RESOLUTION OF THE
RESOURCES AND DEVELOPMENT COMMITTEE
23rd Navajo Nation Council --- Fourth Year, 2018

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING THE GRANT OF RIGHTS-OF-WAY TO CONTINENTAL DIVIDE ELECTRIC COOPERATIVE, INC. FOR MARIANO LAKE CHAPTER–ROCKY CANYON PROJECT WO#47574, LOCATED ON NAVAJO NATION TRUST LANDS IN MARIANO LAKE CHAPTER, NAVAJO NATION (MCKINLEY COUNTY, NEW MEXICO); APPROVING A WAIVER OF CONSIDERATION OF $194,429.95; AND APPROVING A WAVIER OF BOND, INSURANCE, OR ALTERNATIVE FORM OF SECURITY

BE IT ENACTED:

SECTION ONE. AUTHORITY

The Resources and Development Committee of the Navajo Nation Council has the authority to grant final approval for all land withdrawals, non-mineral leases, permits, licenses, rights-of-way, surface easements and bonding requirements on Navajo Nation lands and unrestricted (fee) land. This authority shall include subleases, modifications, assignments, leasehold encumbrances, transfers, renewals, and terminations. 2 N.N.C. §501 (B) (2).

SECTION TWO. FINDINGS

A. Continental Divide Electric Cooperative, Inc. has submitted a right-of-way application to construct, operate and maintain a 14.4/24.9 kV electrical distribution line for the Mariano Lake Chapter–Rocky Canyon Project, WO#47574, on, over and across Navajo Nation Trust Lands in Mariano Lake Chapter vicinity, McKinley County, New Mexico. The application request is attached hereto and incorporated herein as **Exhibit C.**

B. The proposed rights-of-way is described in map and description attached hereto and incorporated herein as **Exhibit B.**

C. The Grazing Committee or Land Board Member of District Number 16 has identified two permittees who granted consent to the use of the land by Continental Divide Electric Cooperative, Inc. The user consents are attached hereto as **Exhibit D.**

D. A waiver of consideration $194,429.95 is requested. The Navajo Nation finds that the rights-of-way project would benefit the Navajo Nation and is the best interest of the Navajo Nation to waive consideration.

E. A waiver of the bond, insurance, or alternative form of security on the part of Continental Divide Electric Cooperative, Inc. is requested. The Navajo Nation finds that the project benefits the Navajo Nation and the waiver of the bond, insurance, or alternative form of security is in the best interest of the Navajo Nation.

F. The environmental and archaeological studies, including the Archaeological Inventory Report, the Cultural Resources Compliance Form, the Environmental Assessment Report, the Finding of No Significant Impact, and the Biological Resources Compliance Form have been completed and are attached as **Exhibit E.**

G. The application for the Rights-of-Way as submitted by Continental Divide Electric Cooperative, Inc. has been reviewed by the Navajo Land Department; Fish and Wildlife; Historic Preservation; Minerals; Navajo Nation Environmental Protection; Division of Natural Resources and the Department of Justice and "Approved" or found "Sufficient" by all. *See* **Exhibit F.**

SECTION THREE. APPROVAL

A. The Resources and Development Committee of the Navajo Nation Council hereby approves the Grant of Rights-of-Way to Continental Divide Electric Cooperative, Inc., on, over and across Navajo Nation Trust Lands in Mariano Lake Chapter vicinity, McKinley County, New Mexico. The location is more particularly described on the survey map and description attached hereto as **Exhibit B.**

B. The Resources and Development Committee of the Navajo Nation Council hereby waives consideration $194,429.95 of for the rights-of-way project because the project will benefit Navajo Nation.

C. The Resources and Development Committee of the Navajo Nation Council hereby waives the requirement for a bond, insurance or alternative form of security on the part of the Grantee, based on the determination that the project benefits the Navajo Nation and such a waiver is in the best interest of the Navajo Nation, pursuant to Title 25 CFR § 169.103 (f) (2).

D. The Resources and Development Committee of the Navajo Nation Council hereby approves the rights-of-way subject to, but not limited to, the following terms and conditions incorporated herein and attached as **Exhibit A**.

E. The Resources and Development Committee of the Navajo Nation Council hereby authorizes the President of the Navajo Nation to execute any and all documents necessary to affect the intent and purpose of this resolution.

CERTIFICATION

I, hereby, certify that the following resolution was duly considered by the Resources and Development Committee of the 23rd Navajo Nation Council at a duly called meeting at the Smith Lake Chapter, Smith Lake, Navajo Nation (New Mexico), at which a quorum was present and that same was passed by a vote of 5 in favor, 0 opposed, 1 abstained on this 27th day of June 2018.

Benjamin Bennett, Vice Chairperson
Resources and Development Committee
of the 23rd Navajo Nation Council

Motion: Honorable Leonard Pete
Second: Honorable Jonathan Perry



NAVAJO NATION RIGHT-OF-WAY TERMS AND CONDITIONS
CONTINENTAL DIVIDE ELECTRIC COOPERATIVE, INC. (GRANTEE)
Mariano Lake Chapter – Rocky Canyon Project, WO#47574

1. The term of the right-of-way shall be for twenty (20) years, beginning on the date the right-of-way is granted by the Secretary of the Interior.

2. Consideration for the right-of-way is assessed at $ 194,429.95 and shall be paid in full to the Controller of the Navajo Nation, in lawful money of the United States, and a copy of the receipt for such payment provided to the Navajo Nation Minerals Department, or its successor, within ten (10) days of approval of and consent to the grant of the right-of-way by the Navajo Nation..

   If consideration has been waived, the Navajo Nation contributes the amount listed above to the project because the project serves a public purpose and will benefit Navajo residents.

   On April 21, 2016, Bureau of Indian Affairs revised and implemented the updated Right-of-Way Regulations. As part of this update, a bond, insurance or alternative form of security is now required for all Right-of-Ways. The Bureau of Indian Affairs, pursuant to 25 CFR § 169.103 (f) (2), may waive the requirement ". . . for tribal land, deferring to the maximum extent possible, to the tribe's determination that a waiver of a bond, insurance or alternative form of security is in its best interest."

   The Resources and Development Committee finds that the waiver of the requirement for a bond, insurance, or alternative form of security for all projects of the Continental Divide Cooperative, Incorporation requiring a Right-of-Way is in the best interest of the Navajo Nation.

   The Resources and Development Committee hereby waives the requirement for a bond, insurance or alternative form of security for all projects of Continental Divide Cooperative, Incorporation requiring Right-of-Way, based on the determination that such a waiver is in the best interest of the Navajo Nation.

3. The Grantee may develop, use and occupy the right-of-way for the purpose(s) of construction, operation and maintenance of a 14.4 kV electrical distribution line. The Grantee may not develop, use or occupy the right-of-way for any other purpose, nor allow others to use or occupy the right-of-way for any other purpose, without the prior written approval of the Navajo Nation and the Secretary of the Interior. The approval of the Navajo Nation may be granted, granted upon conditions or withheld in the sole discretion of the Navajo Nation. The Grantee may not develop, use or occupy the right-of-way for any unlawful purpose.

4. In all activities conducted by the Grantee within the Navajo Nation, the Grantee shall abide by all laws and regulations of the Navajo Nation and of the United States, now in force and effect or as hereafter may come into force and effect, including but not limited to the following:

   a. Title 25, Code of Federal Regulations, Part 169; subject to the terms of this right-of-way.

   b. All applicable federal and Navajo Nation antiquities laws and regulations, with the following additional condition: In the event of a discovery all operations in the immediate vicinity of the discovery must cease and the Navajo Nation Historic Preservation Department must be notified immediately. As used herein, "discovery" means any previously unidentified or incorrectly

identified cultural resources, including but not limited to archeological deposits, human remains, or location reportedly associated with Native American religious/traditional beliefs or practices;

c. The Navajo Preference in Employment Act, 15 N.N.C. §§ 601 et seq., and the Navajo Nation Business Opportunity Act, 5 N.N.C. §§ 201 et seq.; and

d. The Navajo Nation Water Code, 22 N.N.C. § 1101 et seq., Grantee shall apply for and submit all applicable permits and information to the Navajo Nation Water Resources Department, or its successor.

5. The Grantee shall ensure that the air quality of the Navajo Nation is not jeopardized due to violation of applicable laws and regulations by its operations pursuant to the right-of-way.

6. The Grantee shall clear and keep clear the lands within the right-of-way to the extent compatible with the purpose of the right-of-way, and shall dispose of all vegetation and other materials cut, uprooted, or otherwise accumulated during any surface disturbance activities.

7. The Grantee shall reclaim all surface lands disturbed related to the right-of-way, as outlined in a restoration and revegetation plan, which shall be approved by Navajo Nation Environmental Protection Agency (NNEPA) prior to any surface disturbance. The Grantee shall comply with all provisions of such restoration and revegetation plan and shall notify the Director of the NNEPA immediately upon completion of the surface disturbance activities so that a site inspection be can made.

8. The Grantee shall at all times during the term of the right-of-way and at the Grantee's sole cost and expense, maintain the land subject to the right-of-way and all improvements located thereon and make all necessary and reasonable repairs.

9. The Grantee shall obtain prior written permission to cross existing rights-of-way, if any, from the appropriate parties.

10. The Grantee shall be responsible for and promptly pay all damages when they are sustained.

11. The Grantee shall indemnify and hold harmless the Navajo Nation and the Secretary of the Interior and their respective authorized agents, employees, landusers and occupants, against any liability for loss of life, personal injury and property damages arising from the development, use or occupancy or use of right-of-way by the Grantee.

12. The Grantee shall not assign, convey, transfer or sublet, in any manner whatsoever, the right-of-way or any interest therein, or in or to any of the improvements on the land subject to the right-of-way, without the prior written consent of the Navajo Nation and the Secretary of the Interior. Any such attempted assignment, conveyance or transfer without such prior written consent shall be void and of no effect. The consent of the Navajo Nation may be granted, granted upon conditions or withheld in the sole discretion of the Navajo Nation.

13. The Navajo Nation may terminate the right-of-way for violation of any of the terms and conditions stated herein. In addition, the right-of-way shall be terminable in whole or part by the Navajo Nation for any of the following causes:

a. Failure to comply with any terms and conditions of the grant or of applicable laws or regulations;

b. A non-use of the right-of-way for the purpose for which it is granted for a consecutive two-year period; and
c. The use of the land subject to the right-of-way for any purpose inconsistent with the purpose for which the right-of-way is granted.
d. An abandonment of the right-of-way.

14. At the termination of this right-of-way, the Grantee shall peaceably and without legal process deliver up the possession of the premises, in good condition, usual wear and tear excepted. Upon the written request of the Navajo Nation, the Grantee shall provide the Navajo Nation, at the Grantee's sole cost and expense, with an environmental audit assessment of the premises at least sixty (60) days prior to delivery of said premises.

15. Holding over by the Grantee after the termination of the right-of-way shall not constitute a renewal or extension thereof or give the Grantee any rights hereunder or in to the land subject to the right-of-way or to any improvements located thereon.

16. The Navajo Nation and the Secretary shall have the right, at any reasonable time during the term of the right-of-way, to enter upon the premises, or any part thereof, to inspect the same and any improvements located thereon.

17. By acceptance of the grant of right-of-way, the Grantee consents to the full territorial legislative, executive and judicial jurisdiction of the Navajo Nation, including but not limited to the jurisdiction of the Navajo Nation, including but not limited to the jurisdiction of levy fines and to enter judgments for compensatory and punitive damages and injunctive relief, in connection with all activities conducted by the Grantee within the Navajo Nation or which have a proximate (legal) effect on persons or property within the Navajo Nation.

18. By acceptance of the grant of right-of-way, the Grantee covenants and agrees never to contest or challenge the legislative, executive or judicial jurisdiction of the Navajo Nation on the basis that such jurisdiction is inconsistent with the status of the Navajo Nation as an Indian nation, or that the Navajo Nation government is not a government of general jurisdiction, or that the Navajo Nation government does not possess full police power (i.e., the power to legislate and regulate for the general health and welfare) over all lands, persons and activities within its territorial boundaries, or on any other basis not generally applicable to a similar challenge to the jurisdiction of a state government. Nothing contained in this provision shall be construed to negate or impair federal responsibilities with respect to the land subject to the right-of-way or to the Navajo Nation.

19. Any action or proceeding brought by the Grantee against the Navajo Nation in connection with or arising out of the terms and conditions of the right-of-way shall be brought only in the Courts of the Navajo Nation, and no such action or proceeding shall be brought by the Grantee against the Navajo Nation in any court of any state.

20. Nothing contained herein shall be interpreted as constituting a waiver, express or implied, of the sovereign immunity of the Navajo Nation.

21. Except as prohibited by applicable federal law, the law of the Navajo Nation shall govern the construction, performance and enforcement of the terms and conditions contained herein.

22. The terms and conditions contained herein shall extend to and be binding upon the successors, heirs, assigns, executors, administrators, employees and agents, including all contractors and subcontractors, of

the Grantee, and the term "Grantee," whenever used herein, shall be deemed to include all such successors, heirs, assigns, executors, administrators, employees and agents.

23. There is expressly reserved to the Navajo Nation full territorial legislative, executive and judicial jurisdiction over the right-of-way and all lands burdened by the right-of-way, including without limitation over all persons, including the public, and all activities conducted or otherwise occurring within the right-of-way; and the right-of-way and all lands burdened by the right-of-way shall be and forever remain Navajo Indian Country for purposes of Navajo Nation jurisdiction.

24. The Navajo Nation reserves the right to grant rights-of-way within the right-of-way referenced herein for utilities, provided that such rights-of-ways do not unreasonably interfere with the Grantee's use of the right-of-way.

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EXHIBIT
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RIGHT OF WAY EASEMENT FOR
CDEC'S ROCKY CANYON POWER LINE PROJECT
LINE "A"
MARIANO LAKE, MCKINLEY COUNTY, NEW MEXICO
CDEC WORK ORDER NUMBER 47574

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Rocky Canyon Power Line Project, Line "A", located within sections 20, 21, and 22, Township 16 North, Range 14 West, New Mexico Principal Meridian, Navajo Tribal Trust and Allotted Land, Mariano Lake, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of Land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

BEGINNING at B.O.P. Station 0+00, existing pole 61510 located in SW¼ section 22, T16N, R14W, NMPM, said parcel being IA 1354, from which point the found original stone monument for the southwest corner of section 22, T16N, R14W, NMPM, bears S42°04'16"W a distance of 3,499.86 feet,

Thence S69°40'39"W along an existing line a distance of 662.90 feet to P.O.T. Station 6+62.90, at which point the centerline of the easement crosses an NTUA water line,

Thence continuing S69°40'39"W a distance of 598.77 feet to P.I. Station 12+61.67,

Thence S51°45'05"W a distance of 597.18 feet to P.I. Station 18+58.85,

Thence S70°24'33"W a distance of 733.00 feet to P.O.T. Station 25+91.85, at which point the centerline of the easement enters section 21, T16N, R14W, NMPM, said parcel being Navajo Tribal Trust Land, from which point the found original stone monument for the southwest corner of section 22, T16N, R14W, NMPM, bears S00°05'20"W a distance of 1,544.33 feet,

Thence continuing S70°24'33"W a distance of 2,094.76 feet to P.I. Station 46+86.61, the beginning of new construction, from which point the found original stone monument for the southwest corner of section 22, T16N, R14W, NMPM, bears S66°52'13"E a distance of 2,143.39 feet,

Thence N02°05'14"E a distance of 360.75 feet to P.I. Station 50+47.36,

Thence N48°52'23"W a distance of 1,151.93 feet to P.O.T. Station 61+99.29, at which point the centerline of the easement crosses Rocky Canyon Road,

Thence continuing N48°52'23"W a distance of 1,148.12 feet to P.I. Station 73+47.41, said point being B.O.P. Station 0+00 for Tap "A-1",

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Thence S34°01'12"W a distance of 620.00 feet to P.O.T. Station 79+67.41, said point being B.O.P. Station 0+00 for Tap "A-2",

Thence continuing S34°01'12"W a distance of 767.77 feet to P.O.T. Station 87+35.18, at which point the centerline of the easement crosses an NTUA water line,

Thence continuing S34°01'12"W a distance of 1,428.79 feet to P.O.T. Station 101+63.97, at which point the centerline of the easement enters S½ section 20, T16N, R14W, NMPM, said parcel being Navajo Tribal Trust Land, from which point the found original stone monument for the northwest corner of section 20, T16N, R14W, NMPM, bears N46°06'11"W a distance of 7,227.86 feet,

Thence continuing S34°01'12"W a distance of 83.44 feet to P.O.T. Station 102+47.41, said point being B.O.P. Station 0+00 for Tap "A-3",

Thence continuing S34°01'12"W a distance of 318.08 feet to P.O.T. Station 105+65.49, at which point the centerline of the easement enters section 29, T16N, R14W, NMPM, said parcel being Navajo Tribal Trust Land, from which point the found original stone monument for the northwest corner of section 20, T16N, R14W, NMPM, bears N43°00'00"W a distance of 7,307.45 feet,

Thence continuing S34°01'12"W a distance of 341.95 feet to E.O.P. Station 109+07.44, the terminus for the above described centerline for Line "A", from which point the found original stone monument for the southwest corner of section 22, T16N, R14W, NMPM, bears N87°37'38"E a distance of 5,687.12 feet, and from which point the Base Station having the True New Mexico State Plane West, NAD83, US Survey Feet Coordinates of N1671502.65, E2574579.63, Latitude 35°35'35", Longitude -108°19'58" bears S57°09'19"E a distance of 1,305.79 feet.

The above described right-of-way easement contains 5.01 acres, more or less, in area.
The right-of-way easement is 2.07 miles in length.

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RIGHT OF WAY EASEMENT FOR
CDEC'S ROCKY CANYON POWER LINE PROJECT
TAP "A-1"
MARIANO LAKE, MCKINLEY COUNTY, NEW MEXICO
CDEC WORK ORDER NUMBER 47574

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Rocky Canyon Power Line Project, Tap "A-1", located within section 21 Township 16 North, Range 14 West, New Mexico Principal Meridian, Navajo Tribal Trust Lands, Mariano Lake, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of Land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

Beginning at P.I. Station 73+47.41 of Line "A" said point being B.O.P. Station 0+00 for Tap "A-1", located in section 21, T16N, R14W, NMPM, said parcel being Navajo Tribal Trust Lands,

Thence N48°52'23"W a distance of 339.95 feet to E.O.P. Station 3+39.95, the terminus for the above described centerline for Tap "A-1".

The above described right-of-way easement contains 0.16 acres, more or less, in area. The right-of-way easement is 0.06 miles in length.

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RIGHT OF WAY EASEMENT FOR
CDEC'S ROCKY CANYON POWER LINE PROJECT
TAP "A-2"
MARIANO LAKE, MCKINLEY COUNTY, NEW MEXICO
CDEC WORK ORDER NUMBER 47574

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Rocky Canyon Power Line Project, Tap "A-2", located within sections 16, 17, and 21 Township 16 North, Range 14 West, New Mexico Principal Meridian, Navajo Tribal Trust Lands and private lands, Mariano Lake, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of Land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

Beginning at P.O.T. Station 79+67.41 of Line "A" said point being B.O.P. Station 0+00 for Tap "A-2", located in section 21, T16N, R14W, NMPM, said parcel being Navajo Tribal Trust Lands,

Thence N53°31'42"W a distance of 1,201.07 feet to P.I. Station 12+01.07,

Thence N04°39'36"W a distance of 2,430.10 feet to P.I. Station 36+31.17,

Thence N52°11'51"W a distance of 33.83 feet to P.O.T. Station 36+65.00, at which point the centerline of the easement enters section 16, T16N, R14W, NMPM, said parcel being Private Land, from which point the found original stone monument for the northwest corner of section 20, T16N, R14W, NMPM, bears N89°37'36"W a distance of 5,247.35 feet,

Thence continuing N52°11'51"W a distance of 34.94 feet to P.O.T. Station 36+99.94, at which point the centerline of the easement enters section 17, T16N, R14W, NMPM, said parcel being Navajo Tribal Trust Land, from which point the found original stone monument for the northwest corner of section 20, T16N, R14W, NMPM, bears N89°51'35"W a distance of 5,219.65 feet,

Thence continuing N52°11'51"W a distance of 4,991.39 feet to E.O.P. Station 86+91.33, the terminus for the above described centerline for Tap "A-2", from which point the found original stone monument for the northwest corner of section 20, T16N, R14W, NMPM, bears S22°43'18"W a distance of 3,303.00 feet,

The above described right-of-way easement contains 3.99 acres, more or less, in area. The right-of-way easement is 1.65 miles in length.

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RIGHT OF WAY EASEMENT FOR
CDEC'S ROCKY CANYON POWER LINE PROJECT
TAP "A-3"
MARIANO LAKE, MCKINLEY COUNTY, NEW MEXICO
CDEC WORK ORDER NUMBER 47574

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Rocky Canyon Power Line Project, Tap "A-3", located within section 20 Township 16 North, Range 14 West, New Mexico Principal Meridian, Navajo Tribal Trust Lands, Mariano Lake, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of Land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

Beginning at P.O.T. Station 102+47.41 of Line "A" said point being B.O.P. Station 0+00 for Tap "A-3", located in S½ section 20, T16N, R14W, NMPM, said parcel being Navajo Tribal Trust Lands,

Thence N56°21'21"W a distance of 2,917.67 feet to P.O.T. Station 29+17.67, at which point the centerline of the easement crosses an NTUA water line,

Thence continuing N56°21'21"W a distance of 162.36 feet to E.O.P. Station 30+80.03, the terminus for the above described centerline for Tap "A-3", from which point the found original stone monument for the northwest corner of section 20, T16N, R14W, NMPM, bears N37°35'21"W a distance of 4,258.25 feet,

The above described right-of-way easement contains 1.41 acres, more or less, in area.
The right-of-way easement is 0.58 miles in length.

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RIGHT OF WAY EASEMENT FOR
CDEC'S ROCKY CANYON POWER LINE PROJECT
LINE "B"
MARIANO LAKE, MCKINLEY COUNTY, NEW MEXICO
CDEC WORK ORDER NUMBER 47574

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Rocky Canyon Power Line Project, Line "A", located within sections 15, 16, and 22, Township 16 North, Range 14 West, New Mexico Principal Meridian, Navajo Tribal Trust, Private, and Allotted Land, Mariano Lake, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of Land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

BEGINNING at B.O.P. Station 0+00, existing pole 61510 located in SW¼ section 22, T16N, R14W, NMPM, said parcel being IA 1354, from which point the found original stone monument for the southwest corner of section 22, T16N, R14W, NMPM, bears S42°04'16"W a distance of 3,499.86 feet,

Thence N07°24'05"W along an existing line, a distance of 32.91 feet to P.O.T. Station 0+32.91, at which point the centerline of the easement enters NW¼ section 22, said parcel being IA 1355, from which point the found original stone monument for the southeast corner of section 22, T16N, R14W, NMPM, bears S47°39'19"E a distance of 3,934.54 feet,

Thence N07°24'05"W a distance of 359.40 feet to P.I. Station 3+92.31,

Thence N04°01'02"E a distance of 2,136.21 feet to P.O.T. Station 25+28.52, the beginning of new construction,

Thence continuing N04°01'02"E a distance of 196.26 feet to P.O.T. Station 27+24.78, at which point the centerline of the easement enters section 15, T16N, R14W, NMPM, said parcel being Navajo Tribal Trust Lands, from which point the found original stone monument for the southeast corner of section 22, T16N, R14W, NMPM, bears S27°37'41"E a distance of 6,019.86 feet,

Thence continuing N04°01'02"E a distance of 133.82 feet to P.I. Station 28+58.60,

Thence S86°28'58"W a distance of 1,888.36 feet to P.O.T. Station 47+46.96, at which point the centerline of the easement crosses Rocky Canyon Road,

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Thence continuing S86°28'58"W a distance of 575.40 feet to P.O.T. Station 53+22.36, at which point the centerline of the easement enters section 16, T16N, R14W, NMPM, said parcel being Private Land, from which point the found original stone monument for the southeast corner of section 22, T16N, R14W, NMPM, bears S44°35'33"E a distance of 7,464.71 feet,

Thence continuing S86°28'58"W a distance of 116.42 feet to E.O.P. Station 54+38.78, the terminus for the above described centerline for Line "B", from which point the found original stone monument for the southwest corner of section 22, T16N, R14W, NMPM, bears S01°10'11"E a distance of 5,290.08 feet,

The above described right-of-way easement contains 2.50 acres, more or less, in area. The right-of-way easement is 1.03 miles in length.

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RIGHT OF WAY EASEMENT FOR
CDEC'S ROCKY CANYON POWER LINE PROJECT
MARIANO LAKE, MCKINLEY COUNTY, NEW MEXICO
CDEC WORK ORDER NUMBER 47574

GUY EASEMENT DESCRIPTION

GUY NO.	STATION	BEARING	LENGTH	WIDTH	ACREAGE
LINE A					
1	0+00.00	N15°18'23"E	50'	20'	0.02
2	12+61.67	S72°56'29"E	50'	20'	0.02
3	18+58.85	S18°48'38"W	50'	20'	0.02
4	46+86.61	S08°21'12"W	50'	20'	0.02
5	46+86.61	N08°21'12"E	50'	20'	0.02
6	50+47.36	N27°24'29"E	50'	20'	0.02
7	73+47.41	N85°58'23"W	50'	20'	0.02
8	109+07.44	N28°05'13"E	50'	20'	0.02
TAP A-1					
9	3+39.65	S37°51'11"E	50'	20'	0.02
TAP A-2					
10	0+00.00	S64°43'40"W	50'	20'	0.02
11	12+01.07	N64°43'40"E	50'	20'	0.02
12	36+31.17	S27°24'29"W	50'	20'	0.02
13	86+91.33	S07°06'47"W	50'	20'	0.02
TAP A-3					
14	0+00.00	N07°06'47"E	50'	20'	0.02
15	13+80.08	N06°56'39"W	50'	20'	0.02
LINE B					
16	3+92.31	S06°56'39"E	50'	20'	0.02
17	28+58.60	N12°40'38"E	50'	20'	0.02
18	28+58.60	N34°37'03"W	50'	20'	0.02
19	54+38.78	S79°06'47"E	50'	20'	0.02
TOTAL			950'		0.38

TOTAL 19 GUYS

19 Guys X 0.02 acres = 0.38 ACRES

Notice: This is a single page of a multi-page document. No individual page can be interpreted alone and must be considered in the context of the entire document, including but not limited to descriptions, surveyor statements, and plat

SUMMARY DESCRIPTION

SEGMENT	LENGTH	MILES	WIDTH	ACREAGE
LINE "A"	10,907.44'	2.07	20'	5.01
TAP "A-1"	339.95'	0.06	20'	0.16
TAP "A-2"	8,691.33'	1.65	20'	3.99
TAP "A-3"	3,080.03'	0.58	20'	1.41
LINE "B"	5,438.78'	1.03	20'	2.50
SUBTOTAL	28,457.53'	5.39		13.07
GUY EASEMENTS	950.00'	0.18	20'	0.38
TOTAL	**29,407.53'**	**5.57**		**13.45**

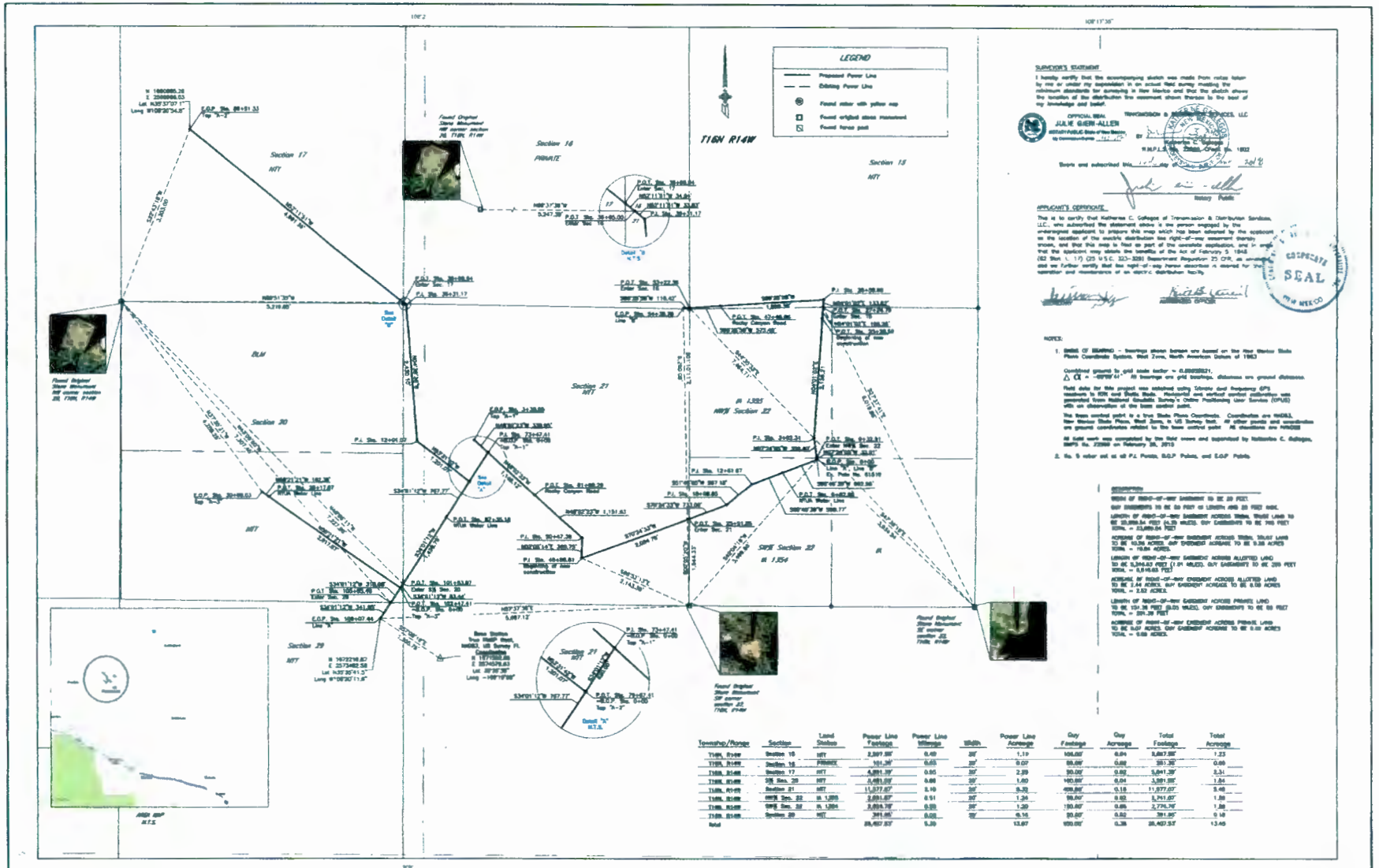
Notice: This is a single page of a multi-page document. No individual page can be interpreted alone and must be considered in the context of the entire document, including but not limited to descriptions, surveyor statements, and plat

RIGHT OF WAY EASEMENT FOR
CDEC'S ROCKY CANYON POWER LINE PROJECT
MARIANO LAKE, MCKINLEY COUNTY, NEW MEXICO
CDEC WORK ORDER NUMBER 47574

SECTION SUMMARY

	LAND STATUS	POWER LINE LENGTH	POWER LINE MILES	POWER LINE ACREAGE	GUY FOOTAGE	GUY ACREAGE	TOTAL FOOTAGE	TOTAL ACREAGE
T16N R14W								
Section 15	NTT	2,597.58'	0.49	1.19	100.00'	0.04	2,697.58'	1.23
Section 16	Private	151.36'	0.03	0.07	50.00'	0.02	201.36'	0.09
Section 17	NTT	4,991.39'	0.95	2.29	50.00'	0.02	5,041.39'	2.31
S½ Sec. 20	NTT	3,481.55'	0.66	1.60	100.00'	0.04	3,581.55'	1.64
Section 21	NTT	11,577.07'	2.19	5.32	400.00'	0.16	11,977.07'	5.48
NW¼ Sec. 22	IA 1355	2,691.87'	0.51	1.24	50.00'	0.02	2,741.87'	1.26
SW¼ Sec. 22	IA 1354	2,624.76'	0.50	1.20	150.00'	0.06	2,774.76'	1.26
Section 29	NTT	341.95'	0.06	0.16	50.00'	0.02	391.95'	0.18
TOTAL		**28,457.53'**	**5.39**	**13.07**	**950.00'**	**0.38**	**29,407.53'**	**13.45**

Notice: This is a single page of a multi-page document. No individual page can be interpreted alone and must be considered in the context of the entire document, including but not limited to descriptions, surveyor statements, and plat



SURVEYOR'S STATEMENT

I hereby certify that the accompanying sketch was made from notes taken by me or under my supervision in an actual field survey meeting the minimum standards for surveying in New Mexico and that the sketch shows the location of the distribution line easement shown thereon to the best of my knowledge and belief.

OFFICIAL SEAL
JULIE GHERI-ALLEN
NOTARY PUBLIC State of New Mexico
My Commission Expires 12-1-19

TRANSMISSION & DISTRIBUTION SERVICES, LLC
BY
Katherine C. Gallegos
N.M.P.L.S. No. 23880, Grant Co. 1802

Sworn and subscribed this 1st day of August 2018

Notary Public

APPLICANT'S CERTIFICATE

This is to certify that Katherine C. Gallegos of Transmission & Distribution Services, LLC., who subscribed the statement above is the person engaged by the undersigned applicant to prepare this map which has been adopted by the applicant as the location of the electric distribution line right-of-way easement thereon, shown, and that this map is filed as part of the caveated application, and in order that the applicant may obtain the benefits of the Act of February 15 1948 (52 Stat. L. 17) (25 U.S.C. 323-328) Department Regulation 25 CFR, as amended, and we further certify that the right-of-way herein described is desired for the operation and maintenance of an electric distribution facility.

CORPORATE SEAL

NOTES:

1. Basis of Bearing - bearings shown hereon are based on the New Mexico State Plane Coordinate System, West Zone, North American Datum of 1983.

   Combined ground to grid scale factor = 0.999555521.
   Δ CA = -00°08'41". All bearings are grid bearings, distances are ground distances.

   Field data for this project was obtained using Trimble dual frequency GPS receivers to NGS and State, local. Horizontal and vertical control established was generated from National Geodetic Survey's Online Positioning User Services (OPUS) with an observation at the base control point.

   The Basis control point is a true State Plane Coordinate. Coordinates are NAD83, New Mexico State Plane, West Zone, in US Survey feet. All other points and coordinates are ground coordinates related to the base control point. All elevations are NAVD88.

   All field work was completed by the field crews and supervised by Katherine C. Gallegos, NMPS No. 23880 on February 28, 2018.

2. No. 5 rebar set at all P.I. Points, B.O.P. Points, and E.O.P. Points.

DESCRIPTION

WIDTH OF RIGHT-OF-WAY EASEMENT TO BE 30 FEET.
GUY EASEMENTS TO BE 60 FEET IN LENGTH AND 20 FEET WIDE.

LENGTH OF RIGHT-OF-WAY EASEMENT ACROSS TRIBAL TRUST LAND TO BE 23,889.34 FEET (4.52 MILES). GUY EASEMENTS TO BE 360 FEET TOTAL = 23,889.34 FEET

ACREAGE OF RIGHT-OF-WAY EASEMENT ACROSS TRIBAL TRUST LAND TO BE 16.36 ACRES. GUY EASEMENT ACREAGE TO BE 0.28 ACRES TOTAL = 16.64 ACRES.

LENGTH OF RIGHT-OF-WAY EASEMENT ACROSS ALLOTTED LAND TO BE 6,344.63 FEET (1.21 MILES). GUY EASEMENTS TO BE 200 FEET TOTAL = 6,544.63 FEET

ACREAGE OF RIGHT-OF-WAY EASEMENT ACROSS ALLOTTED LAND TO BE 2.44 ACRES. GUY EASEMENT ACREAGE TO BE 0.09 ACRES TOTAL = 2.53 ACRES.

LENGTH OF RIGHT-OF-WAY EASEMENT ACROSS PRIVATE LAND TO BE 154.39 FEET (0.03 MILES). GUY EASEMENTS TO BE 60 FEET TOTAL = 214.39 FEET

ACREAGE OF RIGHT-OF-WAY EASEMENT ACROSS PRIVATE LAND TO BE 0.07 ACRES. GUY EASEMENT ACREAGE TO BE 0.02 ACRES TOTAL = 0.09 ACRES.

Township/Range	Section	Land Status	Power Line Footage	Power Line Mileage	Width	Power Line Acreage	Guy Footage	Guy Acreage	Total Footage	Total Acreage
T16N, R14W	Section 16	NFT	2,389.58'	0.45	30'	1.19	105.05'	0.04	2,867.58'	1.23
T16N, R14W	Section 16	PRIVATE	101.39'	0.02	30'	0.07	59.06'	0.02	351.30'	0.09
T16N, R14W	Section 17	NFT	4,881.39'	0.92	30'	2.29	30.00'	0.02	5,041.39'	2.34
T16N, R14W	SW Sec. 20	NFT	3,481.28'	0.66	30'	1.60	120.00'	0.04	3,961.28'	1.64
T16N, R14W	Section 21	NFT	11,577.07'	2.19	30'	5.70	299.99'	0.18	11,577.07'	5.48
T16N, R14W	NWS Sec. 22	N 1,255	2,591.07'	0.51	30'	1.24	30.00'	0.02	2,741.07'	1.28
T16N, R14W	SWS Sec. 22	N 1,354	2,804.76'	0.53	30'	1.29	150.00'	0.09	3,774.76'	1.38
T16N, R14W	Section 29	NFT	391.95'	0.07	30'	0.16	30.00'	0.02	391.95'	0.18
Total			28,457.53'	5.35		13.67	953.09'	0.36	28,457.53'	13.45

WORK ORDER NUMBER 47574

REFERENCES: USGS 7.5 MIN. QUADS: CRIMPHOUND, NM; DALTON PASS, NM; HOSSA BUTTE, NM; MARIANO LAKE, NM

SCALE:
1 INCH = 800 FEET
800 0 800 1600

T&D SERVICES
Professional Engineers - Licensed Surveyors
9380 San Mateo Blvd NE, Suite C
Albuquerque, NM 87113

CONTINENTAL DIVIDE ELECTRIC CO-OP, INC.
GRANTS, NM
NEW MEXICO 22 MCKINLEY

DATE	REVISIONS
2/5/18	Changed Alignment to Private
3/2/18	Corrected total footage #1,354

ROCKY CANYON ROAD POWER LINE PROJECT
PERMIT MAP 1 OF 1

STATE	COUNTY	DETAIL	
NM	McKINLEY		

T.B.	RMC2-	Instrument	Trimble	DRAWN	KCG	CHECKED	AB	APPROVED	KCG	DATE	8/29/17	CHARTS FILE NO.	17041

EXHIBIT
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C

UNITED STATES DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS

RIGHT-OF-WAY APPLICATION MUST IDENTIFY [§169.102(a)]:

1. Application Name and Address: **Continental Divide Electric Cooperative, Inc., PO Box 1087, 200 East High Street, Grants, New Mexico 87020**

2. Tracts(s) or parcel(s) affected by the right-of-way:_____

3. General location (easement location): **Navajo Tribal Trust Land, Rocky Canyon Project, Mariano Lake Chapter, NMPM, McKinley County, New Mexico**

4. Purpose: (Per the request of the Navajo Nation and Mariano Lake Chapter), **Construction, Operation, and Maintenance of 14.4/24.9 kV Electrical Distribution Line for the Rocky Canyon Powerline Project, Mariano Lake Chapter Area, Will you please include the following language in the Presidents letter and Resolution ;" The Resources and Development Committee of the Navajo Nation Council hereby waives the requirements for a bond, consideration for right of way, insurance or alternative form of security on part of the Grantee, based on the determination that the project benefits the Navajo Nation and such waiver is in the best interest of the Navajo Nation, pursuant to Title 25, CFR 169.103"**
   The Resources and Development Committee of the Navajo Nation Council hereby agrees to waive compensation/consideration and valuation on part of the Grantee, based on the determination that the project benefits the Navajo Nation and such waiver is in the best interest of the Navajo Nation, pursuant to Title 25, CFR 169.110"
5. Term (Renewal, if applicable): **50 Years**

6. Identify ownership of permanent improvements associated with the right-of-way and the responsibility for constructing, operating, maintaining, and managing permanent improvements under §169.105: **Continental Divide Electric Cooperative Inc.**

REQUIRED SUPPORTING DOCUMENTS [§169.102(b)]:

1. Accurate legal description of the right-of-way, its boundaries, and parcels associated with the right-of-way;
2. A map of definite location of the right-of-way; [169.102(b)(2)]; survey plat signed by professional surveyor or engineering showing the location, size, and extent of the ROW and other related parcels, with respect to each affected parcel of individually owned land, tribal land, or BIA land and with reference to the public surveys under 25 U.S.C. § 176, 43 U.S.C. § 2 and § 1764, and showing existing facilities adjacent to the proposed project.
3. Bond(s), insurance, and/or other security meeting the requirements of §169.103:
4. Record that notice of the right-of-way was provided to all Indian landowners;

5. Record of consent that the right-of-way meets the requirements of §169.107, or a statement documenting a request for a right–of-way without consent under §169.107(b);
6. If applicable, a valuation meeting and requirements of §§ 169.110, 112, 114;
7. With each application, if the applicant is a corporation, limited liability company, partnership, joint venture, or other legal entity, except a tribal entity, information such as organizational documents, certificates, filing records, and resolutions, demonstrating that:
    a. The representative has authority to execute the application;
    b. The right-of-way will be enforceable against the applicant; and
    c. The legal entity is in good standing and authorized to conduct business in the jurisdiction where the land is located.
8. Current environmental and archaeological reports, surveys, and site assessments, as needed to facilitate compliance with applicable Federal and tribal environmental and land use requirements;
9. If required, a statement from the appropriate tribal authority that the proposed right-of-way is in conformance with applicable tribal law.

THE APPLICANT FURTHER STRIPULATES AND EXPRESSLY AGREES AS FOLLOW:

To conform and abide by all applicable requirements with respect to the right-of-way herein applied for. The applicant agrees to conform to and abide by the rules, regulations, and requirements contained in the Code of Federal Regulations, Title 25 Indians, part 169, as amended, and by reference includes such rules, regulations, and requirements as a part of this application to the same effect as if the same were herein set out in full.

Applicant Point of Contact Information:

Name: **Continental Divide Electric Cooperative, Inc.**

Address: **200 East High Street, PO Box 1087, Grants**

State: **Grants** Zip: **87020**

Phone: **(505) 285-6656**

Email: dolivar@cdec.coop or smorales@cdec.coop

Date: **March 26, 2018**

Applicant: _____ (Signature)

Debbie Olivar or Steve Morales (Print Name)

CONTINENTAL DIVIDE ELECTRIC COOPERATIVE, INC.

200 E. High St. • P.O. Box 1087 • Grants, New Mexico 87020 • (505) 285-6656 • Fax (505) 287-2234

March 26, 2018

The General Land Development Department
Attn: Ms. Elerina Yazzie, Program Manager
Project Review Office
PO Box 69
Saint Michaels, Arizona 86511

Re: Submitting ROW Package for the Mariano Lake Chapter – Rocky Canyon Project, WO#47574

Dear Ms. Yazzie,

Continental Divide Electric Cooperative, Inc. is requesting right-of-way for the proposed 14.4/24.9 kV distribution overhead Power line for the Mariano Lake Chapter – Rocky Canyon Powerline Project, WO#47574. The power line Right-of-way packet consists of the following documents being submitted for review by the Division of Natural Resources, Project Review Office.

1. $500.00 Filing Fee, Check #136122
2. Permission to Survey from NLD
3. Right of way Application
4. Archaeological Report
5. Cultural Resources Compliance Form
6. Environmental Report
7. FONSI
8. Biological Resources compliance Form
9. Field Clearance/Grazing for Sam Begay and Louise Davis
10. Legals
11. Map (4)

This project traverses over and across Navajo Tribal Trust Land. The distance on Navajo Tribal Trust Land is 23,689.54' feet in length, 20' feet in width, and 10.84 acres.

Continental Divide Electric Cooperative Inc. requests that the Navajo Nation waive consideration, bond, insurance or alternative form of security since only Navajos are being served off of this Electrical Line. We also ask that the term of right-of-way be granted for 50 years. If you have any questions, please contact our office at your earliest convenience.

Sincerely,

Debbie Olivar
Engineering/ROW
Enclosures

RECEIVED
MAR 30 2018
18-9162
DNR - GENERAL LAND DEVELOPMENT DEPARTMENT

Continental Divide Electric Cooperative, Inc
PO Box 1087
Grants, NM 87020-1087

PLEASE DETACH AND RETAIN

No. 136122
Date: 02/28/2018

DATE	INVOICE	DESCRIPTION	GROSS	NET
02/28/2018	WO # 47574	WO # 47574	500.00	500.00
	Vendor 9997 THE GENERAL LAND DEVELOPMENT DEPARTMENT	Totals:	500.00	500.00

COPY

THIS CHECK IS VOID WITHOUT A COLORED BACKGROUND AND WATERMARK/LINES ON THE BACK - HOLD AT ANGLE TO VIEW

Continental Divide Electric Cooperative, Inc
PO Box 1087
Grants, NM 87020-1087

No. 136122
95-219/1070

Wells Fargo Bank, NA
Grants, NM 87020

FIVE HUNDRED AND NO / 100**********

PAY TO THE ORDER OF
THE GENERAL LAND DEVELOPMENT DEPARTMENT
PROJECT REVIEW OFFICE
ATTN: ELERINA YAZZIE, PROGRAM MANAGER
PO 69
ST MICHAELS AZ 86511

9997

DATE	CHECK NO	AMOUNT
02/28/2018	136122	$*******500.00

SIGNATURE HAS A COLORED BACKGROUND • BORDER CONTAINS MICROPRINTING

⑈136122⑈ ⑆107002192⑆ 2811880586⑈

THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE PRESIDENT

May 17, 2016

Debbie Olivar
Continental Divide Electric Cooperative, Inc.
200 E. High Street
P.O. Box 1087
Grants, New Mexico 87020

Dear Debbie:

RE: Permission to Survey on Trust Lands

Permission to Survey is hereby granted for the Rocky Canyon Powerline Project. The survey to be conducted is within the Mariano Lake Chapter, McKinley County in TOWNSHIP 16 NORTH, RANGE 14 WEST: Section 17, S/2 of Section 20, Section 21, and NE ¼ of Section 29. The SW1/4 of Section 15 is identified as Allotment Land and you will need to contact the BIA Eastern Navajo Agency at (505) 786-6122 for their consent.

Permission to survey includes surveys for mapping, archaeological, ethnographic surveys & studies and is subject to the following terms and conditions:

1. The rights of local Navajo people will be respected and protected.
2. Personnel with the Division of Natural Resources (DNR) will retain the right to monitor the field survey.
3. The field survey will be conducted at your own risk. The Navajo Nation will not be held liable for any personal injury or property damage that might occur during the course of the field survey.
4. Vehicles will be kept on existing roads and trails. Surface disturbance will be kept to an absolute minimum while conducting the field survey.
5. The Permittee will comply with all applicable Tribal and Federal laws and regulations.
6. Approval of right-of-way, business site lease or any actual construction is not implied. An application for right-of-way must be filed with Navajo Land Department.

Sincerely,

Vera Shurley

Vera Shurley, ROW Agent
Navajo Land Department/DNR

CC: Mariano Lake Chapter
Project File

EXHIBIT
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D

FIELD CLEARANCE CHECKLIST

(This form covers only damages and compensation to individual land users. It does not cover consideration or other fees to the Navajo nation. Use back if necessary to complete this form.)

1. Project Identification: Continental Divide Electric Cooperative, Inc.
   Type of Project: Electrical Powerline Extension
   Purpose: Right-of-way easement for construction, operation, & maintenance of 14.4 kv electrical distribution power line for the Rocky Canyon Power Line Project WO#47574
   Location: Mariano Lake Chapter, Sections 15, 17, S/2 20, 21, 29, T16N, R14W, McKinley Cty New Mexico
   Identification number(s): Work Order #47574
2. Amount of land affected: 10.84 acres, 20' width, 23,689.54' length
3. Land status: Trust XX Fee _____ Other _____
4. List names of all individuals whose land use right will be affected by project:

	Names	Census Number	Type of Land Use Right
1.	SAM S. BEGAY	_____	GRAZING
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____

5. Are all land users with claims to the affected lands as shown in Branch of Land Operations records included in the list of Item 4 YES
6. Have Grazing Committee or Land Board Member (whichever is appropriate) for the affected area confirm land user list in Item 4 by signing acknowledgement below.

ACKNOWLEDGEMENT

I acknowledge that due notice was given to the affected community of the Proposed project, and according to my records and to the best of my knowledge, the list of individuals in Item 4 includes all land users who have land use rights in the affected lands.

8/03/18 — Date

[signature] — Grazing Committee or Land Board Member

16 — District No.

CONSENT FORM -3
(Waiver of compensation for damages)

Consent to Use
Navajo Nation Lands

TO WHOM IT MAY CONERN:

I, Sam S. Begay, hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs to Permit Continental Divide Electric Cooperative, Inc. PO Box 1087, 200 East High Street, Grants New Mexico 87020 to use a portion of my land use area for the following purpose(s): Right-of-way easement for construction, operation, & maintenance of 14.4 kv electrical distribution power line for the Rocky Canyon Power Line Project Work Order #47574

As shown on the map showing the location of the proposed project on the back of this consent form.

I hereby waive any rights I may have to compensation for the diminishment in value of my land use right as result of the above-referenced project as proposed.

REMARKS: _____

3/23/18	x Sam S. Begay		59
Date	Land User Signature (or Thumbprint)	Census No.	Permit No.

WITNESSES

x Victoria W Ellis

x [redacted] R.T. Diana F. Begay

4/29/18		16
Date	Grazing Committee or Land Board Member	District No.

Acknowledgement of Field Agent

I acknowledge that the contents of this consent form was read/ or fully explained to the land user in Navajo or English (check were applicable).

_____
Field Agent Signature

FIELD CLEARANCE CHECKLIST

(This form covers only damages and compensation to individual land users. It does not cover consideration or other fees to the Navajo nation. Use back if necessary to complete this form.)

1. Project Identification: Continental Divide Electric Cooperative, Inc.
   Type of Project: Electrical Powerline Extension
   Purpose: Right-of-way easement for construction, operation, & maintenance of 14.4 kv electrical distribution power line for the Echo Canyon Power Line Project WO#52521
   Location: Mariano Lake Chapter, Section 3, T15N, R14W, Section 35 & SW/4 of Section 36, T16N, R14W, McKinley Cty New Mexico
   Identification number(s): Work Order #52521
2. Amount of land affected: 10.61 acres, 20' width, 23,225.65' length
3. Land status: Trust XX Fee _____ Other _____
4. List names of all individuals whose land use right will be affected by project:

	Names	Census Number	Type of Land Use Right
1.	LOUISE DAVIS	- - - -	GRAZING
2.			
3.			
4.			

5. Are all land users with claims to the affected lands as shown in Branch of Land Operations records included in the list of Item 4 YES
6. Have Grazing Committee or Land Board Member (whichever is appropriate) for the affected area confirm land user list in Item 4 by signing acknowledgement below.

ACKNOWLEDGEMENT

I acknowledge that due notice was given to the affected community of the Proposed project, and according to my records and to the best of my knowledge, the list of individuals in Item 4 includes all land users who have land use rights in the affected lands.

3/23/18 _____ 16

Date Grazing Committee or Land Board Member District No.

CONSENT FORM -3
(Waiver of compensation for damages)

Consent to Use
Navajo Nation Lands

TO WHOM IT MAY CONERN:

I, Louise Davis, hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs to Permit Continental Divide Electric Cooperative, Inc. PO Box 1087, 200 East High Street, Grants New Mexico 87020 to use a portion of my land use area for the following purpose(s): Right-of-way easement for construction, operation, & maintenance of 14.4 kv electrical distribution power line for the Echo Canyon Power Line Project Work Order #52521

As shown on the map showing the location of the proposed project on the back of this consent form.

I hereby waive any rights I may have to compensation for the diminishment in value of my land use right as result of the above-referenced project as proposed.

REMARKS: _____

3/22/18 Louise Davis _____ Rt 11
Date Land User Signature (or Thumbprint) Census No. Permit No.

WITNESSES
Marie A. Bennett
Valentina Bennett

3/29/18 _____ 16
Date Grazing Committee or Land Board Member District No.

Acknowledgement of Field Agent

I acknowledge that the contents of this consent form was read/ or fully explained to the land user in Navajo or English (check were applicable).

_____
Field Agent Signature

ARCHAEOLOGICAL INVENTORY REPORT (AIRs) DOCUMENTATION PAG

EXHIBIT E

1. HPD REPORT NO:	2. (FOR HPD USE ONLY)	3. RECIPIENT'S ACCESS

4. TITLE OF REPORT: DCRM 2017-24: A Cultural Resources Inventory of the Proposed Rocky Canyon Powerline in Mariano Lake, McKinley County, New Mexico for Continental Divide Electric Cooperative. (Work Order #47574)

Author (s): Jeremy Begay, Shane V. Wero and Arlo Werito

5. FIELDWORK DATES: May 25-26, 2016

6. REPORT DATE: September 22, 2017

7. CONSULTANT'S NAME AND ADDRESS:
Gen. Charge: Rena Martin, Anthropologist
Org. Name: Dinétahdóó CRM, LLC
Org. Address: P.O. Box 2012
Farmington, N.M. 87499

Phone: (505) 960-9478 Fax: (505) 960-9749

8. PERMIT NO.: B17240

9. CONSULTANT'S REPORT NO.: DCRM 2017-24

10. SPONSOR'S NAME AND ADDRESS:
Ind. Responsible: Debbie Olivar, Technical Engineer/ROW
Org. Name: Continental Divide Electric Cooperative, Inc.
Org. Address: 200 E. High St.
P.O. Box 1087
Grants, N.M 87020
Phone: (505) 285-6656

11. SPONSOR'S PROJECT NO.: WO# 47574

12. AREA OF EFFECT: 13.45 ac. (5.44 ha.)
AREA SURVEYED: 60.76 ac. (24.59 ha.)

13. LOCATION: (MAP ATTACHED)
a. Chapter: Mariano Lake
b. Agency: Eastern Navajo
c. County: McKinley
d. State: New Mexico
e. Land Status: Navajo Tribal Trust
f. UTM: See Table 1
g. Legal Description: See Table 1
h. USGS 7.5' Maps: See Table 1
i. Lead Agency: Bureau of Indian Affairs (BIA)

14. REPORT:
a. Description of Undertaking: See Supplemental Sheet
b. Existing Data Review: See Supplemental Sheet
c. Area of Environmental & Cultural Setting: See Supplemental Sheet
d. Field Methods: See Supplemental Sheet

15. CULTURAL RESOURCE FINDINGS:
a. Location/Identification of Each Resource: See Supplemental Sheet
b. Evaluation of Significance of Each Resource: See Supplemental Sheet

16. MANAGEMENT SUMMARY (RECOMMENDATION): See Supplemental Sheet

17. CERTIFICATION:
SIGNATURE:_____ Date: _____
General Charge Name: Rena Martin, Anthropologist

SIGNATURE: _____ Date: _____
Direct Charge Name: Shane V. Wero, Archaeologist

DCRM 2017-24: A Cultural Resources Inventory of the Proposed Rocky Canyon Powerline in Mariano Lake, McKinley County, New Mexico for Continental Divide Electric Cooperative. (Work Order #47574)

Prepared by:
Rena Martin, Anthropologist
Shane V. Wero, Archaeologist
Arlo Werito, GIS Technician

HPD Permit No.: B17240

September 22, 2017

Submitted by:
Dinétahdóó Cultural Resources Management, LLC
P.O. Box 2012
Farmington, New Mexico 87499

Submitted to:
Navajo Nation Historic Preservation Department
Cultural Resources Compliance Section
P.O. Box 4950
Window Rock, Arizona 86515

Prepared for:
Debbie Olivar, Technical Engineer/ROW
Continental Divide Electric Cooperative, Inc.
P.O. Box 1087
Grants, New Mexico 87020

Abstract

The following report is submitted to the Navajo Nation Historic Preservation Department's Cultural Resources Compliance Program for compliance review as part of the Navajo Nation cultural resources clearance process. The report details the results of the cultural resources inventory conducted in conjunction with the project entitled *"DCRM 2017-24: A Cultural Resources Inventory of the Proposed Rocky Canyon Powerline in Mariano Lake, McKinley County, New Mexico for Continental Divide Electric Cooperative. (Work Order #47574)"* The project was conducted at the request of Mrs. Debbie Olivar, Right-of-Way Agent (ROW) of Continental Divide Electric Cooperative (CDEC). The project will involve the construction of distribution power line extensions that will serve five (5) Navajo residents: Julia Begay, Phillip Begay, Sam Begay, Diana Begay, and Timothy Tom. The installation activities will consist of vehicular traffic within the rights-of-way, clearing of vegetation, digging holes for the electrical poles, placement of utility poles, backfilling of the excavated areas, stringing of utility lines and fiber optic cables, and installation of associated equipment. The lines will also be maintained by CDEC. The project area is in Mariano Lake Chapter, McKinley County in Township 16 North, Range 14 West: Section 17, S/2 of Section 20, Section 21, NE ¼ of Section 29, SW ¼ of Section 15, and Section 22. The project area can be found on Mariano Lake, N. Mex. 1963, P.R. 1980 U.S.G.S. 7.5 Min. Map. The total number of acres surveyed in conjunction with this project totals 60.76 acres (24.59 ha.) and the area of effect totals 13.45 (5.44 ha.). One (1) archaeological site, eight (8) isolated occurrences, five (5) in-use sites, and two (2) fenced in-use modern family cemeteries were identified during the inventory. Archaeological clearance is recommended for the proposed undertaking provided that the recommendations prescribed in the report are adhered to during all phases of construction.

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Introduction

Between May 15th through May 30th, 2017, Jeremy Begay, Patrick Alfred, Lisa Zohnnie and Tristin Moone archaeologists with Dinétahdóó Cultural Resources Management (DCRM), conducted an archaeological inventory of the proposed electric distribution lines for the Continental Divide Electric Cooperative's Proposed Rocky Canyon Powerline in Mariano Lake, McKinley County, New Mexico. The proposed powerline project is associated with CDEC's Work Order No. 47574. One (1) archaeological site, eight (8) isolated occurrences, five (5) in-use sites, and two (2) fenced in-use modern cemeteries were identified during the inventory. This cultural resource inventory was completed under Navajo Nation Cultural Resource Inventory Permit Number B17240.

Description of Undertaking

The Continental Divide Electric Cooperative (CDEC) proposes to construct, operate, and maintain the distribution lines which will provide electrical power to the Rocky Canyon community in the Mariano Lake Chapter, McKinley County, New Mexico. Included in the archaeological clearance is a survey of existing power distribution lines which services the community already. As for the new installation, the undertaking will consist of vehicular traffic within the right-of-way, clearing of vegetation, digging holes for the electrical poles, placement of utility poles, backfilling the excavated areas, stringing of power lines, and finally, maintaining the utility lines as needed. In all, the total area surveyed is 29,407.53 ft. (8.96 km; 5.57 miles) in length, with a right-of-way measuring 20 ft. wide (6 m). The area-of-effect equals acres 13.45 acres (5.44 ha).

Location

The project area is located on Navajo Nation Trust Lands in the Mariano Lake Chapter, McKinley County, New Mexico. Table 1 displays the breakdown of land status (Navajo Tribal Trust, Allotment and Private) and Table 2 provides the UTM coordinates and legal description for the proposed distribution powerlines.

Table 1 Area of Effect and Area Surveyed Breakdown by Land Status.

Land Status	Area of Effect		Area Surveyed	
	Acres	Hectares	Acres	Hectares
Private	0.09	0.04	0.42	0.17
Navajo Indian Allotment	2.52	1.02	11.19	4.53
Navajo Nation Tribal Trust	10.84	4.38	49.15	19.89
Totals	**13.45**	**5.44**	**60.76**	**24.59**

Table 2: UTM Coordinates, Legal Description and USGS Map names for Proposed Continental Divide Electric Cooperative's Rocky Canyon Powerline project in Mariano Lake Chapter, New Mexico.

Designation	UTM Coordinates: Zone 12 (NAD 83)		Legal Description						USGS Map Name (7.5' Quadrangle)
	Northing	Easting	¼	¼	¼	Sec.	T	R	
Line A									
BOL	3943222	0743718	NE	NE	SW	22	16N	14W	Mariano Lake, N. Mex. 1963 P.R. 1980
B1	3943079	0743361	NE	NW	SW	22	16N	14W	
B2	3942961	0743221	SE	NW	SW	22	16N	14W	
B3	3942645	0742419	NE	SW	SE	21	16N	14W	
B4	3942755	0742420	NE	SW	SE	21	16N	14W	

B5	3943199	0741877	SW	SE	NW	21	16N	14W	Mariano Lake, N. Mex. 1963 P.R. 1980
EOL	3942281	0741299	NE	NE	NE	29	16N	14W	
Line A Tap-1									
BOL	3943199	0741877	SW	SE	NW	21	16N	14W	Mariano Lake, N. Mex. 1963 P.R. 1980
EOL	3943265	0741797	SW	SE	NW	21	16N	14W	
Line A Tap-2									
BOL	3943039	0741776	NE	NW	SW	21	16N	14W	Mariano Lake, N. Mex. 1963 P.R. 1980
B1	3943248	0741475	SW	SW	NW	21	16N	14W	
B2	3943984	0741391	SW	SW	SW	16	16N	14W	
EOL	3944890	0740142	SW	SE	NW	17	16N	14W	
Line A Tap-3									
BOL	3942451	0741406	SE	SE	SE	20	16N	14W	Mariano Lake, N. Mex. 1963 P.R. 1980
EOL	3942946	0740608	NW	NW	SE	20	16N	14W	
Line B									
BOL	3943222	0743718	NE	NE	SW	22	16N	14W	Mariano Lake, N. Mex. 1963 P.R. 1980
B1	3943341	0743699	SE	SE	NW	22	16N	14W	
B2	3944092	0743727	SE	SE	SW	15	16N	14W	
EOL	3944019	0742943	SE	SE	SE	16	16N	14W	

BOL: Denotes Beginning of Line **B=Bends** **EOL: Denotes End of Line** **P.R.=Photorevised**

Existing Data Review

Prior to the fieldwork, a literature search was conducted at the Navajo Nation Historic Preservation Department (NNHPD), Cultural Resources Compliance Section (CRCS) and Traditional Cultural Program (TCP) in Window Rock, Arizona. The CRCS files indicated that a few previous projects had been conducted within 300 feet (91 meters) of the project area. NNHPD 96-038, NNHPD 00-102, NNHPD 00-103, NNHPD 03-764, NNHPD 04-1313, NNHPD 07-231, and NNHPD 07-788 were identified in CRCS files.

A search of the Sacred Places files at the Navajo Nation Historic Preservation Department's Traditional Cultural Program indicated that there were three (3) previously identified Traditional Cultural Properties located within five (5) miles of the project area. TCP #148 Dzi # Nteeli / Broad Mountain / Lobo Mesa ? / Gallup NM / 148 / NM T 16 N R 14 W and larger surrounding zone, TCP #248 Nihodeezhgizh / Gap Extending Downward / Dalton Pass / Gallup NM / 248 / NM T 17 N R 14 W, and TCP #565 Be'ek'id #oteel / Wide Lake / Mariano Lake / Gallup NM / 565 / NM T 14 N R 16 W. Melinda Arviso-Ciocco, Navajo Cultural Specialist, signed the TCP Record Search Verification Form attached to this report. Van Valkenburgh (1974) indicates that Hosta Butte (*Ak iina st ani*) (Mountain Sitting on Top of Another Mountain) is approximately 6.5 miles (10.5 km) east of the project area.

Area Environmental and Cultural Setting

Vegetation observed in the area consists of snakeweed, rabbit brush, juniper, sage brush, bunch grass, tansy mustardweed, pinion, prickly pear cactus, Indian rice grass, globe mallow, coco weed, buck wheat, and Russian thistle. It has bladed two-track dirt access roads and associated in-use features such as fence lines for livestock and community road signs.

Mariano Lake. The Mariano Lake is Be'ak'id hoteeli, which, when translated, means Wide Lake. After the signing of the 1868 Treaty, an elderly man named Chief Mariano Martinez settled the lake area. Chief Martinez and his scouts began construction of an earthen embankment to catch rain and melting snow run-off. Because Chief Martinez mobilized the construction of the dam, the lake became known as "Mariano Lake", and eventually, the community became known by the same name. After World War II, the community building could no longer be used due to the land ownership change. In 1958, the current chapter house was built with Navajo Tribal trust funds (LSR Innovations: 2004).

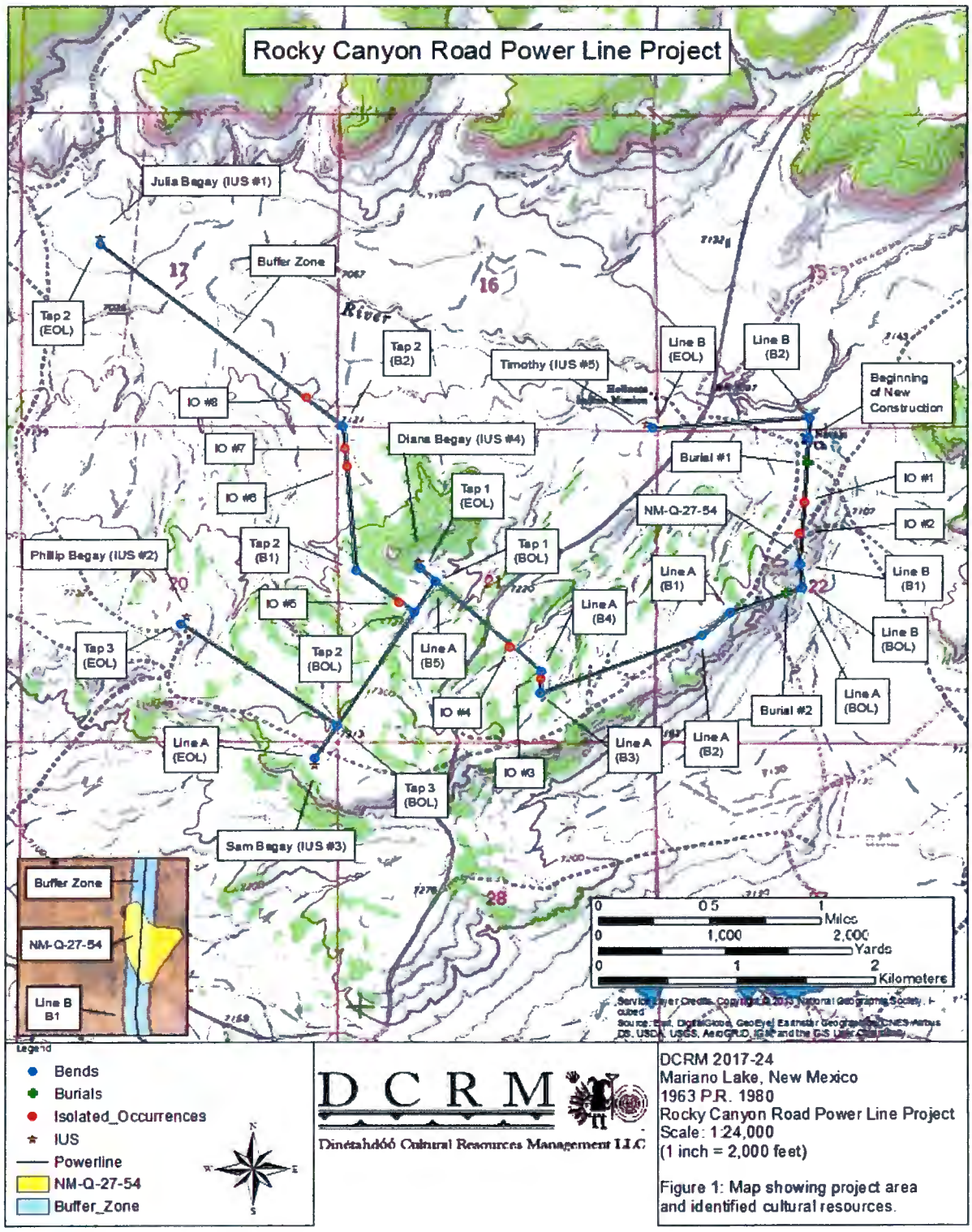


Figure 1 Map showing specific location of CDEC Rocky Canyon Powerline and identified cultural resources near Mariano Lake Chapter, McKinley County, New Mexico T 16N Range 14W Sections 17, 16, 15, 20, 21, 22, 28, and 29.

Field Methods

Between May 15th through 30th, 2017, Jeremy Begay, Patrick Alfred, Lisa Zohnnie, and Tristin Moone archaeologists with Dinétahdóó Cultural Resources Management (DCRM), conducted a cultural resource inventory of the proposed distribution lines with fiber optic cables. A 90 feet wide (27.4 m) corridor was surveyed for each of the proposed power line extensions. This included a 20 ft. (6.1 m) right-of-way with 35 ft. (10.7 m) buffer zones on each side of the ROW. The total number of acres surveyed in conjunction with this project totals 60.76 acres (24.59 ha.). The project areas were surveyed by walking two parallel transects on each side of the centerline with intervals spaced no more than 32.8 ft. (10 m) apart. Ms. Raquel Warner, Chapter Administrative Assistant, was contacted and informed of the archaeological survey and she helped identify community members to interview regarding two (2) fenced in-use family cemeteries present within the project area which had been already developed. Rena Martin and Patricia Moone completed ethnographic interviews. Pursuant to NNHPD guidelines, the residents and their neighbors were interviewed to identify any potential traditional cultural properties (TCPs), plant gathering areas, or graves/burials (*jischáá'*) that may be impacted by the undertaking.

Cultural Resource Findings

Archaeological Sites

Site: NM-Q-27-54 (Figure 1)
USGS Map Reference: Mariano Lake N. Mex. 1963, P.R. 1980
Legal Location: SE ¼, SE ¼, NW ¼, Section 22, Township 16 N, Range 14 W
UTM (NAD83): Zone 12, Northing 3943393, Easting 743699
Land Status: Navajo Tribal Trust
State: New Mexico County: McKinley Chapter: Mariano Lake
Site Type: Navajo habitation
Site Size: 40 m × 60 m
Site Setting: On a northern terrace of an isolated ephemeral west oriented drainage.

Site Description: Historic Navajo Habitation with 6 features. Materials from features 2-5 are eroding down slope to the east. The project's powerline is built over feature 5 and 6. Feature 1 is a collapsed house with shaped and unshaped sandstone blocks and slabs. Square arrangement wall alignments visible on west and north sides. Simple, one course, construction observed of feature. Depression in the middle of feature with two milled lumber fragments. Sandstone materials in and around feature suggests built of sandstone masonry. Sandstone wall rubble rising 0.6 meters above surface. Entrance visible on the east of feature. Feature 2 is a midden with charcoal flakes, blue enamel fragments, clear buttons, blue and brown glass fragments, side seam cans, burned faunal, metal fragments, and fire cracked rock present in an ashy soil matrix. Material is eroding into drainages. A rodent hole exposed material 0.3 meters below surface profile. Feature 3 is concentration of charcoal flakes, white porcelain, metal fragments, side seam cans, blue and clear glass, axe cut wood fragments, fire cracked rock, green glass, burned faunal remains, blue and white porcelain, centerfire cartridge, and leather shoe fragment present in an ashy soil matrix. Feature 4 is a wood chopping area with 1,000+ axe cut wood chips and bark fragments of juniper. Feature 5 is a midden containing charcoal fragments, white porcelain fragments, wood fragments, burned faunal remains, clear and green glass, and fire cracked rock fragments present in an ashy soil matrix eroding down into drainage. Feature 6 is a horno of twenty-four (24) oxidized sandstone slabs in a rectangle pattern. Burned juniper and pinon fragments, charcoal flakes, metal fragments, and 1 metal door hinge present in an ashy soil matrix.

Figure 2: General site map of NM-Q-27-54, (DCRM 2017-24).

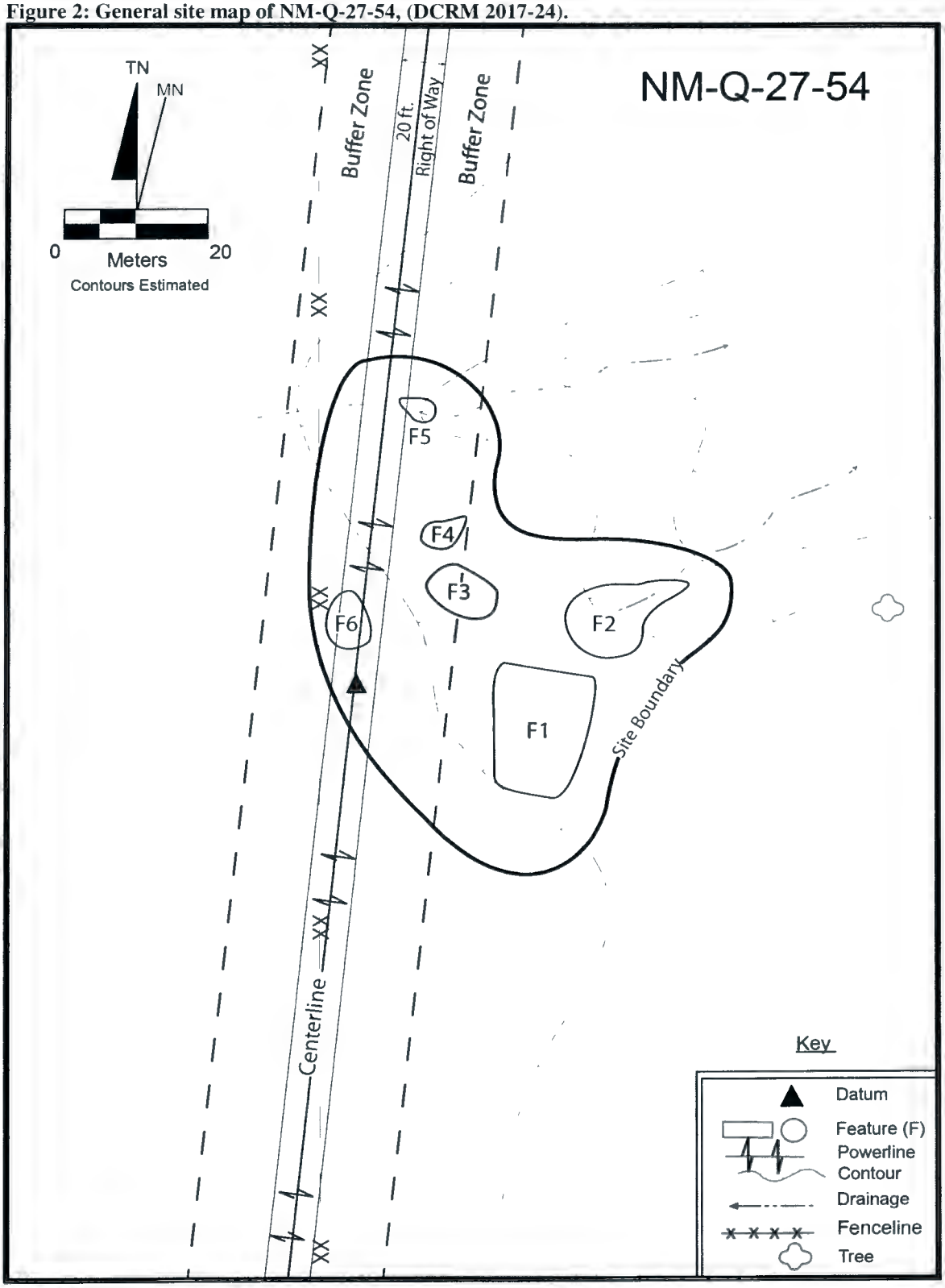


Figure 2. General Site Map of NM-Q-27-54 (DCRM 2017-24).

Isolated Occurrences

During the field inventory, isolated occurrences (IOs) were identified and recorded once determined as unassociated with any archaeological sites or other significant cultural resources.

Table 3: Isolated Occurrences Identified along the Proposed Continental Divide Electric Cooperative's Rocky Canyon Powerline Project in Mariano Lake Chapter, McKinley County, New Mexico.

IO #	Description of IO
IO #1	One (1) grey chert primary flake fragment
IO #2	One (1) broken white chert bifaced fragment
IO #3	Seven (7) stacked tabular sandstone measuring 30 cm in diameter determined as a cairn
IO #4	Seven (7) tabular sandstone rocks on top of a wooden post (6" diameter) determined stacked rocks as a cairn which sits 40 cm tall; eight (8) scattered wooden posts lay on west side of cairn
IO #5	Eight (8) tabular sandstone rocks of various sizes situated on a west facing rolling hill determined to be a cairn.
IO #6	Six (6) sandstone tabular and slab rocks situated on a west slope of a rolling hill determine to be a cairn.
IO #7	One (1) grey and one (1) white chert lithic
IO #8	One (1) chert flake obsidian

In-Use Sites

During the field inventory, occupied or in-use sites (IUS) were identified and recorded. The homes are occupied by Navajo families, and out of respect for their privacy none of the in-use features were mapped. The majority of homeowners and/or neighbors were interviewed regarding the age of their residence, local traditional cultural properties, and any known unmarked burials. A brief description of the identified IUSs and interview results can be found in Table 4.

Table 4: In-Use Sites Identified along the Proposed Continental Divide Electric Cooperative's Rocky Canyon Powerline Project in Mariano Lake Chapter, McKinley County, New Mexico.

IUS# and Client Name	Summary of Structures	Interviewee	Interview Results (Dates of Occupation and TCP)
IUS #1 Julia Begay	One (1) white stucco home with brown roofing, two (2) sheds, three (3) corrals	Julia Begay	No TCP or Burials; (1980's)
IUS #2 Phillip Begay	One (1) grey hogan, brown roofing, two (2) corrals	Phillip Begay	No TCP or Burials; (1970's)
IUS #3 Sam Begay	One (1) small white house with grey roofing	Sam Begay	No TCP or Burials; (1980's)
IUS #4 Diana Begay	One (1) beige stucco house, one (1) sheep corral, one (1) cattle corral, one (1) sizable brown shed, one (1) hogan, and one (1) horse corral	Damien Dubois (Diana's in-law)	No TCP or Burials; (1940's)
IUS #5 Timothy Tom	One (1) white double wide trailer, one (1) large corral with divisions	No contact	No contact; (1980's)

Traditional Cultural Properties

During the field inventory, ethnographers interviewed residents to gather information on any undocumented Traditional Cultural Properties (TCP) that will be impacted by the project's undertaking. No new TCPs were identified. The interviews were conducted in both Navajo and English.

In-Use Modern Family Cemeteries

Two (2) in-use fenced family cemeteries were encountered during the archaeological survey of the project area within an existing powerline corridor. Louise Lee, 82 years of age and grazing permit holder from the area, has lived on the ridge southwest of the marked graveyards since about 1965. Louise is the oldest alive relation to the family cemeteries. The Navajo name for the ridge Louise resides on is called *ya neel kid* (the hill that tapers down). Louise's traditional use area for her grazing permit encompasses the cemeteries. The fenced cemetery (Burial #2) closest to Louise's home is at least 20 years old. Louise stated it is where her late uncle Little John Payton and his wife Bessie Payton are buried. Her late grandmother *Ateed łi bahi* (Gray Girl) and her late Chei (maternal grandfather) John Payton are buried there as well. They were of the *Ashiihi* (salt) and *Deeshchii'nii* (start of the red streak people) clans. Mr. Morrelas T. Morez, originally from Gray Mountain, Arizona, is Louise's husband. The fenced cemetery (Burial #1) further northeast from Louise's homestead belongs to Louise's mother's sister Janette Francisco and her husband Roy Francisco. Their son, Melvin Francisco, takes care of the house adjacent to the cemetery. DCRM did not make contact with him or his brother Francis Francisco who lives at the NHA housing near the chapter house according to Raquel Warner (Chapter Administrative Assistant).

Louise Lee requested that the cemeteries not be driven on. The cemeteries are within the cultural buffer zone of the project area. In the area of both cemeteries, the powerline has been already constructed. Management recommendations would have been to fence and avoid the cemeteries however no further management recommendation are needed since the project's undertaking would not occur in the area of both cemeteries. In addition, the cemeteries are currently fenced properly because of the presence of livestock. The current project's undertakings would not present immediate construction near the cemeteries. Avoidance, monitoring, and spanning of the in-use fenced cemeteries during future powerline maintenance activities is the extent of management recommendations.

Evaluation of Significance

All cultural resources that were identified and recorded during the inventory are evaluated for significance under certain federal statutes for the preservation and management of those resources. This process is intended to ensure that cultural resources are not unconsciously destroyed by the proposed undertaking, and to ensure that local communities are involved in the decision-making process. Although the Navajo Nation has enacted the Navajo Nation Cultural Resources Protection Act (NNCRPA), it has not instituted regulations, nor is there a process to evaluate resources under this act.

The National Historic Preservation Act

Under the Section 106 process of the National Historic Preservation Act (NHPA; 36 CFR 60.4), cultural resources may be eligible for nomination to the National Register of Historic Places if they are more than 50 years old and "possess integrity of location, design, setting, material, workmanship, feeling, and association." One or more of the following criteria (a-d) must be applicable:

a. associated with events that have made a significant contribution to the broad patterns of our history; or
b. associated with the lives of a person significant in our past; or
c. embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
d. has yielded, or may be likely to yield, information important in prehistory or history.

As defined in 36 CFR 60.4, cemeteries, birthplaces, or graves of historical figures; properties owned by religious institutions or used for religious purposes; structures that have been moved from their original locations; reconstructed historical buildings; properties primarily commemorative in nature; and

properties that have achieved significance within the past 50 years are not ordinarily considered eligible for the National Register. However, such properties may qualify if they are integral parts of districts that do meet the eligibility criteria.

Archaeological Resources Protection Act
The Archaeological Resources Protection Act of 1979 (ARPA; 43 CFR Part 7) has two fundamental purposes:

- to protect irreplaceable archaeological resources on public lands and Indian lands from unauthorized excavation, removal, damage, alteration, or defacement; and
- to increase communication and exchange of information among governmental authorities, the professional archaeological community, and private individuals having collections of archaeological resources and data that were obtained prior to enactment of the Act.

In order for a resource to be considered an archaeological resource and thus merit protection, it must be both more than 100 years old and of archaeological interest.

American Indian Religious Freedom Act
The American Indian Religious Freedom Act (AIRFA [P.L. 95-341]) affirms that American Indians have the right to believe, express, and exercise their traditional religions and have access to sites, use and possession of sacred objects, and freedom of worship through ceremonies and rites. Any site or place (prehistoric or historic) that has religious, ceremonial, or sacred aspects or components needs to be dealt with in light of this law. Anasazi sites related to Navajo cultural traditions qualify for protection, as do all Navajo ceremonial sites, unmarked traditional places, and residential structures whose owners/users want them protected for religious and cultural reasons.

Native American Graves Protection and Repatriation Act
The Native American Graves Protection and Repatriation Act (NAGPRA [P.L. 101-601]) provides protection of Native American graves; establishes procedures and legal standards for the repatriation of human remains, funeral objects, sacred objects, and objects of cultural patrimony, including those from archaeological contexts and provides the United States district court's jurisdiction over any action brought by any person alleging a violation of the Act. The Act also recognizes certain tribal, Native Hawaiian, and individual rights in regard to burial sites located on federal and Indian lands, and it sets forth procedures for the intentional excavation and inadvertent discoveries of these items.

Navajo Nation law and policy also protects cultural resources on lands under Navajo Nation government jurisdiction. The **Navajo Nation Cultural Resources Protection Act of 1988** (NTC CMY-19-88) is modeled on the federal laws which require consideration of the effects of an undertaking on significant cultural resources. It also authorizes the Navajo Nation Historic Preservation Department to create and maintain a "Navajo Nation Register of Cultural Properties and Cultural Landmarks." The Register is to include "buildings, districts, objects, places, sites, and structures significant in Navajo Nation history, architecture, archaeology, engineering, and culture" on Navajo lands. The Register and its criteria for eligibility have yet to be established.

The **Navajo Nation Policy for the Protection of Jishcháá'** covers all human remains, associated funerary items, and unassociated funerary items on land under Navajo Nation jurisdiction. It emphasizes non-disturbance as the required treatment of these items unless disturbance is unavoidable. It sets forth procedures for intentional excavation and inadvertent discovery of these items.

Table 5: NHPA, ARPA, AIRFA, and NAGPRA Evaluation of Identified Cultural Resources documented in the Proposed Continental Divide Electric Cooperative's Rocky Canyon Powerline Project in Mariano Lake Chapter, McKinley County, New Mexico.

Cultural Resource No.	Description	Evaluation	
NM-Q-27-54	Historic Navajo Habitation with 6 features (Coming Out Era [A.D. 1941-1969])	NRHP	Is Eligible? Yes 1. 50-year guideline met 2. Location, setting, materials, workmanship, association 3. Meets criteria d
		ARPA	Is Eligible? No 1. 100-year guideline met? No 2. Is of archaeological interest? Yes
		AIRFA	Does not merit consideration due to the site not being associated with present ceremonial and/or religious activity.
		NAGPRA	Does not merit consideration due to the site not being associated with human remains and/or funerary items and grave goods.
Isolated Occurrences #1-8	See Table 3	NRHP	Is Eligible? No 1. 50-year guideline met 2. Lacks integrity 3. Does not meet any criteria (a-d)
		ARPA	Is Eligible? No 1. 100-year guideline met? Yes 2. Is of archaeological interest? No
		AIRFA	Does not merit consideration due to the site not being associated with present ceremonial and/or religious activity.
		NAGPRA	Does not merit consideration due to the site not being associated with human remains and/or funerary items and grave goods.
In Use Sites #1-5	See Table 4	NRHP	Not Eligible; Navajo Nation policy precludes nomination of in-use sites.
		ARPA	Is Eligible? No 1. 100-year guideline met? No 2. Is of archaeological interest? No
		AIRFA	Does not merit consideration due to the site not being associated with present ceremonial and/or religious activity.
		NAGPRA	Does not merit consideration due to the site not being associated with human remains and/or funerary items and grave goods.

Cultural Resource No.	Description	Evaluation	
Two (2) fenced in-use family cemeteries (Burials #1 and #2)	Two (2) fenced family cemeteries both at least 20 years old	NRHP	Is Eligible? No 1. 50-year guideline not met 2. Lacks integrity 3. Does not meet any criterion
		ARPA	Is Eligible? No 1. 100-year guideline met? No 2. Is of archaeological interest? No
		AIRFA	Does not merit consideration due to the site not being associated with present ceremonial and/or religious activities.
		NAGPRA	Eligible due to the family cemeteries being associated with human remains and/or funerary items and grave goods.

Recommendations

Conditional archaeological clearance is recommended with the general stipulations that all maintenance and operation activities must be restricted to the powerline corridors and any new discoveries of archaeological and cultural significance will immediately halt all construction activities and findings be reported to the Navajo Nation Historic Preservation Department in Window Rock, Arizona. In addition, the following site-specific and burial stipulations must be adhered to:

NM-Q-27-54

1) reflagging, avoidance, monitoring, and spanning of **NM-Q-27-54** during any maintenance and/or construction activities of the existing powerline,
2) all maintenance and/or construction activities must be confined to the right-of-way corridor and existing roads,
3) avoidance, monitoring, and spanning of the two (2) fenced in-use cemeteries during any maintenance and/or construction activities of the existing powerline.

References

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2004 *Chapter Images: 2004 Edition.* Division of Community Development, Window Rock, Arizona.

Van Valkenburgh, Richard F.
1974 Navajo Sacred Places. In *Navajo Indians III*, edited by C. Kluckohn, pp. 9-99. Garland, New York.

Appendix A
Dinétahdóó Site Survey and Management Forms

Dinétahdóó Cultural Resource Management LLC.

Site Survey and Management Form

SITE NO.: NM-Q-27-54 FIELD OR OTHER NO.: RCPL-Site #1
PROJECT NO. & NAME: DCRM 2017-24: A Cultural Resources Inventory of the Proposed Continental Divide Electric Cooperative's Rocky Canyon Powerline in Mariano Lake, McKinley County, New Mexico. Work Order #47574
RECORDING ORGANIZATION: Dinétahdóó CRM
DATE RECORDED: 6/1/17 RECORDED BY: JB, LZ
USGS 7.5' MAP REFERENCE: Mariano Lake, N. Mex. 1963, P.R. 1980
LEGALS (☒ NMPM / ☐ AZPM): Township: 16 ☒ N / ☐ S, Range: 14 ☐ E / ☒ W;
Sec.: 22 ; SE 1/4, SE 1/4, NW 1/4 (☐ Unplatted)
UTM COORDINATES (NAD 83): Zone: 12: 3943393 N, 0743699 E
STATE: NM, COUNTY: McKinley, CHAPTER: Mariano Lake, AGENCY: Eastern
LAND STATUS: Navajo Tribal Trust
GROUND VISIBILITY: 90 % Kind and extent of cover: 10% Vegetation
TOPOGRAPHY: The site is on a north to south orientated ridge on the west side of an unnamed drainage.
NEAREST DRAINAGE: The nearest drainage is within site boundaries.
ELEVATION (FT/M): 7209 ft. / 2197 m SLOPE AND DIRECTION: °
SEDIMENT TYPE: Pebble to cobble sized clasts of alluvial and colluvial light brown sand
OTHER: N/A
VEGETATION PRESENT: Vegetation present includes greasewood, snakeweed, cheatgrass, prickly pear cactus, narrow leaf yucca, pinon, and sage.
CULTURAL AFFILIATION: Navajo
SITE TYPE: Habitation
CURRENTLY IN-USE: ☐ Yes, ☒ No Comments: N/A
PERIOD(S) OF OCCUPATION/CONSTRUCTION/USE (date if known): Coming Out Era (A.D. 1941-1969)
How Dated: Historic Artifacts
DIMENSIONS OF SITE (L × W): 40 × 60 m TOTAL AREA (sq. m.): 2400
ARCHITECTURE PRESENT: ☒ Yes, ☐ No
Describe: Feature 1 is a collapsed house.

TYPES OF ARTIFACTS OBSERVED and QUANTITY OF EACH TYPE (give approximate numbers if not counted): Historic Building Material: 100+, Historic Glass/Cans/Tins: 1,000+, Historic Metal Artifacts: 500+, Fabric/Clothing: 50+, and Historic Household Items: 100+
COLLECTION MADE? ☐ Yes, ☒ No Of What? N/A Method of Collection: N/A
PHOTOS: ☐ Yes, ☒ No Photo ID: N/A
PHYSICAL SITE DESCRIPTION: Historic Navajo Habitation with 6 features. Materials from features 2-5 are eroding down slope to the east. The project's powerline is built over feature 5 and 6. Feature 1 is a collapsed house with shaped and unshaped sandstone blocks and slabs. Square arrangement wall alignments visible on west and north sides. Simple, one course, construction observed of feature. Depression in the middle of feature with two milled lumber fragments. Sandstone materials in and around feature suggests built of sandstone masonry. Sandstone wall rubble rising 0.6 meters above surface. Entrance visible on the east of feature.

Feature 2 is a midden with charcoal flakes, blue enamel fragments, clear buttons, blue and brown glass fragments, side seam cans, burned faunal, metal fragments, and fire cracked rock present in an ashy soil matrix. Material is eroding into drainages. A rodent hole exposed material 0.3 meters below surface profile. Feature 3 is concentration of charcoal flakes, white porcelain, metal fragments, side seam cans, blue and clear glass, axe cut wood fragments, fire cracked rock, green glass, burned faunal remains, blue and white porcelain, centerfire cartridge, and leather shoe fragment present in an ashy soil matrix. Feature 4 is a wood chopping area with 1,000+ axe cut wood chips and bark fragments of juniper. Feature 5 is a midden containing charcoal fragments, white porcelain fragments, wood fragments, burned faunal remains, clear and green glass, and fire cracked rock fragments present in an ashy soil matrix eroding down into drainage. Feature 6 is a horno of twenty-four (24) oxidized sandstone slabs in a rectangle pattern. Burned juniper and pinon fragments, charcoal flakes, metal fragments, and 1 metal door hinge present in an ashy soil matrix.

ETHNOGRAPHIC DATA (if any): N/A

CONDITION OF SITE: Excellent

CAUSES OF DISTURBANCE: Livestock, Natural Erosion, and Utility Development

LOCATION OF SITE RELATIVE TO PROJECT AREA and AREA OF POTENTIAL EFFECT: The site is located in the right-of-way and extends beyond the east buffer zone.

EXTENT OF INVESTIGATIONS TO DATE: This recording.

RESEARCH POTENTIAL/CULTURAL IMPORTANCE OF SITE: Navajo occupation, settlement patterns, and subsistence strategies.

MANAGEMENT RECOMMENDATIONS: 1) reflagging, avoidance, monitoring, and spanning of **NM-Q-27-54** during any maintenance and/or construction activities of the existing powerline, 2) all maintenance and/or construction activities must be confined to the right-of-way corridor and existing roads, and 3) avoidance, monitoring, and spanning of the two (2) fenced in-use cemeteries during any maintenance and/or construction activities of the existing powerline.

SITE ASSESSMENT UNDER 36 CFR 60.4 (National Register of Historic Places)

REGISTER ELIGIBLE: ☒ Yes, ☐ No, ☐ Potentially

Comments: N/A

INTEGRITY: location ☒, design ☐, setting ☒, materials ☒, workmanship ☒, feeling ☐, association ☒, unknown ☐, none ☐

CRITERIA: a ☐, b ☐, c ☐, d ☒, unknown ☐, none ☐

EXCLUSIONS: N/A

SITE ASSESSMENT UNDER 36 CFR 7.3 (Archaeological Resources Protection Act):

Eligible for Protection? ☐ Yes, ☒ No

Meets 100-Year Guideline? ☐ Yes, ☒ No

Of Archaeological Interest? ☒ Yes, ☐ No

Comments: N/A

SITE ASSESSMENT UNDER P.L. 95-341 (American Indian Religious Freedom Act):

Merit Consideration? ☐ Yes, ☒ No, ☐ N/A

Comments: The site does not contain elements associated with ceremonial or religious activities of known extant indigenous groups therefore the site does not merit protection under AIRFA.

SITE ASSESSMENT UNDER NAVAJO NATION JISHCHAA' POLICY/NAGPRA:

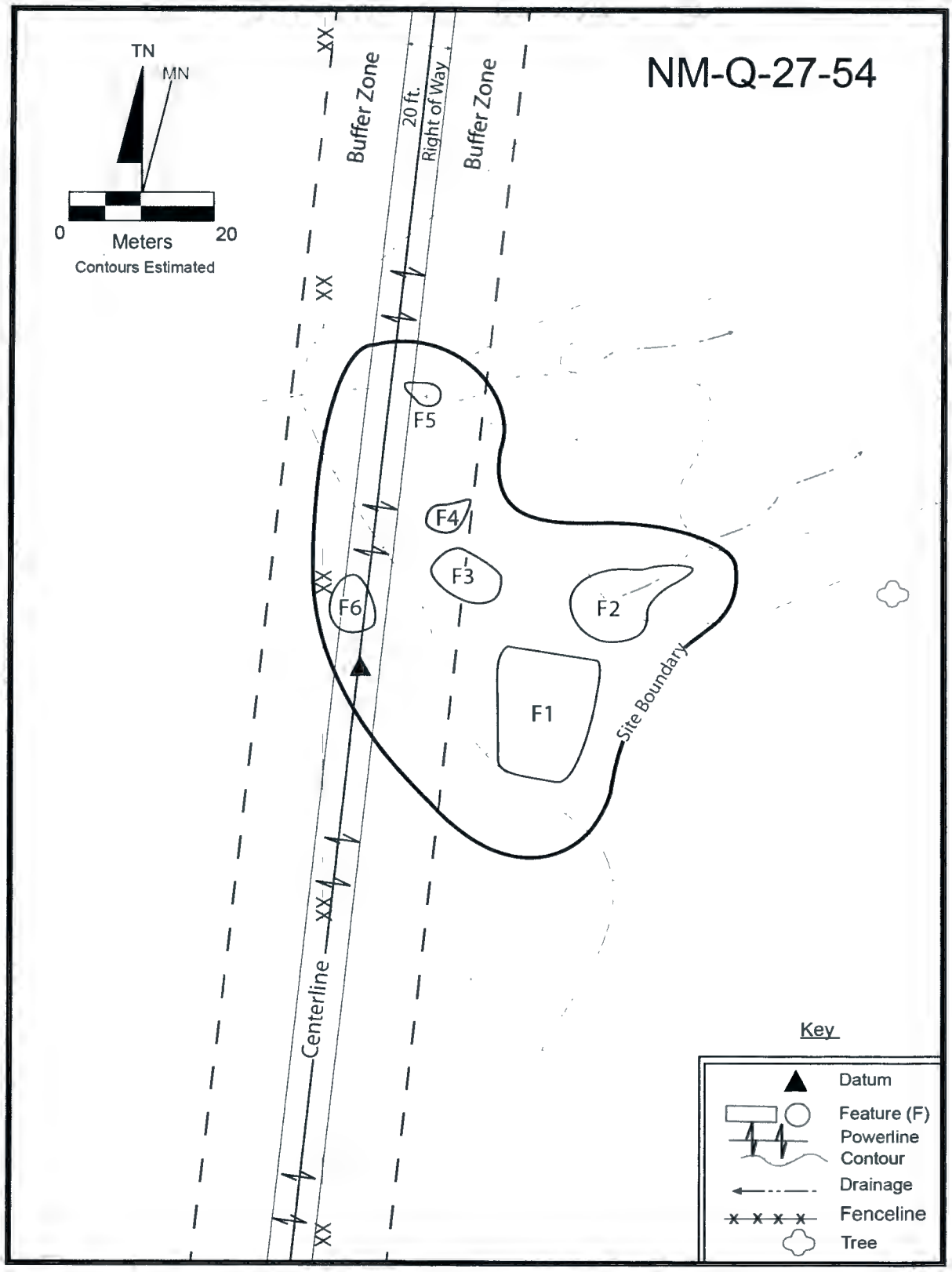
Eligible for Protection? ☐ Yes, ☒ No, ☐ Possibly (explain below)

Comments: The site does not contain any signs of a burial and historic artifacts are not associated with grave goods or funerary items therefore it does not merit protection under NAGPRA.

HOW CAN THE SITE BE REACHED (Provide a narrative description & refer to attached USGS quad map): See attached map

PROVIDE A SITE MAP (Including site designation, site boundary, north arrow, scale, recognizable features, landmarks, and relationship to project area).

OTHER COMMENTS: Site map drawn



General Site Map of NM-Q-27-54 (DCRM 2017-24).

THE NAVAJO NATION
HERITAGE & HISTORIC PRESERVATION DEPARTMENT
PO Box 4950, Window Rock, Arizona 86515
TEL: (928) 871-7198 FAX: (928) 871-7886

CULTURAL RESOURCES COMPLIANCE FORM

ROUTE COPIES TO:	NNHPD NO.: HPD-17-878
☑ DCRM	OTHER PROJECT NO.: DCRM 2017-24

PROJECT TITLE: A Cultural Resources Inventory of the Proposed Rocky Canyon Powerline in Mariano Lake, McKinley County, New Mexico for Continental Divide Electric Cooperative. (Work Order #47574)

LEAD AGENCY: BIA/NR

SPONSOR: Debbie Olivar, Technical Engineer/ROW, Continental Divide Electric Cooperative, Inc., 200 E. High Street P.O Box 1087, Grants, New Mexico 87020.

PROJECT DESCRIPTION: The Continental Divide Electric Cooperative proposes to construct, operate, and maintain the distribution line which provide electrical power to the Rocky Canyon community in the Mariano Lake Chapter McKinley County, New Mexico. The current survey includes an existing power distribution lines which already services the community. The total area surveyed is 29,407.53 ft (5.57 mi) in length, with a right-of-way measuring 20 ft wide (6 m). The area of effect equals 13.45 ac (5.44 ha). Ground disturbing activities will be intensive and extensive with the use of heavy equipment.

LAND STATUS:	Navajo Tribal Trust Land													
CHAPTER:	Mariano Lake													
LOCATION:	*T.*	16	*N.,*	*R.*	14	*W-*	*Sec.*	15-17, 20-22, &29;	Mariano Lake	Quadrangle,	McKinley	County	New Mexico	NMPM

PROJECT ARCHAEOLOGIST:	Jeremy Begay, Shane V. Wero, and Arlo Werito
NAVAJO ANTIQUITIES PERMIT NO.:	B17240
DATE INSPECTED:	05/25/16 – 05/26/16
DATE OF REPORT:	11/06/17
TOTAL ACREAGE INSPECTED:	60.76 – ac
METHOD OF INVESTIGATION:	Class III pedestrian inventory with transects spaced 10 m apart.
LIST OF CULTURAL RESOURCES FOUND:	**(1) Site (NM-Q-27-54), (8) Isolated Occurrences (IOs), (5) In-Use Areas (IUAs), (2) Family Cemeteries**
LIST OF ELIGIBLE PROPERTIES:	**(1) Site (NM-Q-27-54)**
LIST OF NON-ELIGIBLE PROPERTIES:	**(8) IOs, (5) IUAs, (2) Family Cemeteries**
LIST OF ARCHAEOLOGICAL RESOURCES:	**None**

EFFECT/CONDITIONS OF COMPLIANCE: No historic properties affected with the following conditions:

Sites: NM-Q-27-54

1. **Prior to any construction, the site boundary will be flagged and/or temporarily fenced.**
2. **No construction, equipment or vehicular traffic will be allowed within the site boundary.**
3. **All future maintenance activities shall avoid the site by a minimum of 50 ft. from the site boundary.**

TCP verification form attached in report findings. TCPs #565, #248, and #148 have been noted in report.

In the event of a discovery [*"discovery"* means any previously unidentified or incorrectly identified cultural resources including but not limited to archaeological deposits, human remains, or locations reportedly associated with Native American religious/traditional beliefs or practices], all operations in the immediate vicinity of the discovery must cease, and the Navajo Nation Historic Preservation Department must be notified at (928) 871-7198.

FORM PREPARED BY: Lukai Nez
FINALIZED: December 7, 2017

Notification to Proceed Recommended ☑ Yes ☐ No

Conditions: ☑ Yes ☐ No

Navajo Region Approval ☑ Yes ☐ No

Richard M. Begay, Director/THPO Date
The Navajo Nation
Heritage & Historic Preservation Dept.

BIA – Navajo Regional Office Date

ROCKY CANYON ROAD POWER LINE ENVIRONMENTAL ASSESSMENT
RIGHT OF WAY APPLICATION FOR FIVE HOMES, WO# 47574
MARIANO LAKE CHAPTER, NEW MEXICO



PLS: Section 15 Township 16 North Range 14 West, NMPM
Latitude & Longitude: 35° 36' 38.1" N 108° 18' 33.3" W , NAD 83
UTM: 743,789 m E 3,943,899 m N, Zone 12
Elevation: 7,200' amsl

Prepared by

CONTINENTAL DIVIDE ELECTRIC COOPERATIVE, INC.
200 East High Street / P.O. Box 1087
Grants, New Mexico 87020

DENALI ENVIRONMENTAL SERVICES
P.O. Box 1127
Fort Defiance, Arizona 86504
denali1946@msn.com

January, 2018

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ROCKY CANYON ROAD POWER LINE ENVIRONMENTAL ASSESSMENT

Continental Divide Electric Cooperative, Inc. (CDECI) of Grants, New Mexico is proposing to construct, operate, and maintain an electrical power line to serve the Rocky Canyon Road Community in Mariano Lake Chapter, New Mexico. The propose right of way application would require a National Environmental Policy Act environmental assessment document to support the decision-making process. The proposed power line would provide electrical service to five existing homes. CDECI would make application for the new power line extension with the Eastern Navajo Agency, Bureau of Indian Affairs in Crownpoint, New Mexico.

1.0 DESCRIPTION OF THE PROPOSED ACTION AND PROJECT LOCATION

1.1 Description of the Proposed Action

The existing power line taps and proposed extensions for the five homes would be included in the right of way application, as shown in Table 1 below. The electrical line would be single phase 14.4 kilo volt line. Total right of way width would be 20 feet wide, and combined length (power line and guy) at 29,407.53 feet, encompassing 13.45 total acres. As shown in Table 1, actual Navajo Tribal trust and Indian allotment land for the project would involve 29,206.17 feet length, and 13.36 acres.

Table 1. Continental Divide Electric Cooperative, Inc. Rocky Canyon Road Power Line Project-Navajo Tribal Trust land, Indian Allotments, and Private Land.

Power Line Right of Way Dimensions and Acreage						
Public Land Survey	Land Status	PL Footage	PL Mileage	PL/Guy Total Footage	Width	Total Acreage
S15 T16N R14W	NTT	2,597.58'	0.49	2,697.58'	20'	1.23
S17 T16N R14W	NTT	4,991.39'	0.95	5,041.39'	20'	2.31
1/2S S20 T16N R14W	NTT	3,481.55'	0.66	3,581.55'	20'	1.64
S21 T16N R14W	NTT	11,577.07'	2.19	11,977.07'	20'	5.48
NW/4 S22 T16N R14W	IA	2,691.87'	0.51	2,741.87'	20'	1.26
SW/4 S22 T16N R14W	IA	2,624.76'	0.50	2,674.76'	20'	1.26
S29 T16N R14W	NTT	341.95'	0.06	391.95'	20'	0.18
Subtotal	NTT/IA	28,306.17'	5.36	29,206.17'	20'	13.36
S16 T16N R14W	Private	151.36'	0.03	201.36'	20'	0.09
Total		28,457.53'	5.39	29,407.53'		13.45

The proposed power line right of way would not be bladed. Surface trees and shrubs would be trimmed along the electrical right of way. Trees under the line will be cut to avoid any physical interference and to avoid fires. New access roads to the project site will not be required; the operator will use existing roads.

1.2 Purpose and Need

The proposed right of way would serve five local families with electricity to their homes. The power line extension initiative would enable families to refrigerate meat, milk and eggs for longer periods, and buy additional perishable grocery items that would otherwise spoil. Television news media and entertainment can now be enjoyed by the families. School age kids can now do their homework via satellite internet. The proposed initiative would also provide telecommunication via direct telephone communication. Overall, the proposed utility would play a vital part in serving the

needs and interest of the people and community, often in remote and underserved regions of the Navajo Nation.

1.3 Location

The Rocky Canyon Power Line Project is located in Mariano Lake, New Mexico. The proposed power lines would be located northwest of the Mariano Lake Community, and north of Navajo Route 49. USGS 7.5 Minute quadrangle topographic map, at Figure 1 entitled *Rocky Canyon Road,* illustrates the project location.

Table 2. Location of the Continental Divide Electrical Cooperative Rocky Canyon Road Power Line Project, Mariano Lake, NM USGS 7.5 Quadrangle Map.

Description	Public Land Survey	Latitude and Longitude NAd 83	UTM, Zone 12
Rocky Canyon Rd BOP	Section 15 T16N R14W	35° 36' 38.1" N 108° 18' 33.3" W	743,789 m E 3,943,899 m N
EOP	Section 29 T16N R14W	35° 35' 41.5" N 108° 20' 11.5" W	741,332 m E 3,942,061 m N

Located on Navajo tribal trust, Indian fee, and Individual Indian Allotment land, the proposed powerline is located in Mariano Lake Chapter, McKinley County, New Mexico, at an average elevation of 7,200 amsl.

1.4 Project Authorization

This project was authorized by the Navajo Nation Code, Title 16 Land, Chapter 11 § 1101, land for public community purposes. NNC authorizes the Navajo Nation to participate and manage land use leases on the Navajo Indian Reservation projects in rural Utah, Arizona, and New Mexico.

The Bureau of Indian Affairs is the lead Federal agency, as authorized by the Snyder Act of November 20, 1921, 25 USC Chapter 1 § 13, which establishes appropriation for BIA permitting and leasing activity. The proposed right of way approval would allow CDECl to acquire the power line property long term, construct a 11.4 kv electrical power line, and provide electrical service to local residents.

Shown at Appendix B, the Mariano Lake Chapter has passed a resolution approving the proposed electrical power line.

1.5 Purpose of Environmental Assessment

The environmental assessment is an instrument required by federal law and regulations to determine if potential impacts of a federal action are of such significant as to require the preparation of an environmental impact statement. The proposed federal action is approval of a electrical right of way. The approval of the right of way would allow the operator to withdraw a tract of land, on which to further construct and operate a electrical utility infrastructure. This

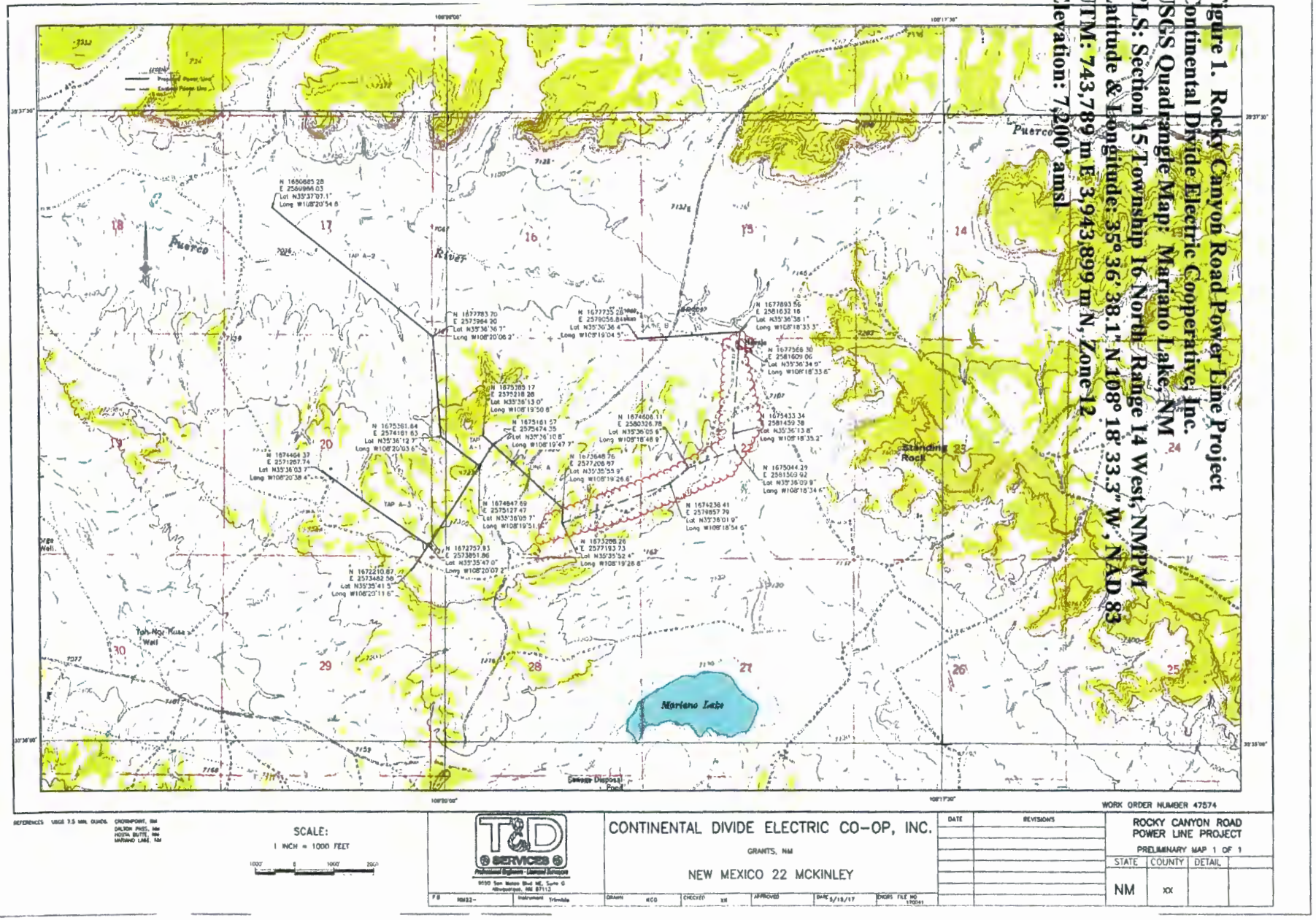


Figure 1. Rocky Canyon Road Power Line Project
Continental Divide Electric Cooperative, Inc.
USGS Quadrangle Map: Mariano Lake, NM
PLS: Section 15 Township 16 North Range 14 West, NMPM
Latitude & Longitude: 35° 36' 38.1" N 108° 18' 33.3" W, NAD 83
UTM: 743,789 m E 3,943,899 m N, Zone 12
Elevation: 7,200' amsl

document addresses potential impacts and mitigation for the approval of the right of way. The proposed land use of Indian trust land is managed by the Navajo Nation, and administered by Bureau of Indian Affairs.

2.0 ALTERNATIVES

2.1 Alternate Site Locations

Alternate alignments, of sufficient width and length at locations as convenient as the proposed locations, are not available. Due to the size of grazing permitted areas needed to sustain livestock herds, right of ways become impossible to acquire with respect to individual Indian allotments and Navajo tribal trust lands. Open areas in the community are used for family subsistence on livestock and the traditional family way of life. On adjoining land, individual Indian allotment holders generally try to retain their grazing allotments intact, and not to become fragmented. Holistic grazing areas, on trust and allotted land, are needed to sustain livestock herds. Other power line alignments at the other locations would become difficult to acquire.

An alternate site location, on trust land or allotments, would be subject to the same assessments, approvals and clearance process as the preferred alternative. Numerous archaeological occurrences could render the other proposed sites unfeasible for the proposed use. Potential grazing permit holders may reverse their decisions and reject the alternate location.

2.2 No Action Alternative

If the no action alternative is taken, the proposed long term right of way would not be approved. The proposed electrical power line would not go as planned. Residents would be without electrical service to their homes for some unknown time in the future. The propose power line alignments would not be elevated to a higher productive state. The approved chapter resolution and future land board decisions would become moot.

2.3 Approval of the Preferred Alternative

The preferred alternative involves approval of the propose right of ways, which would allow for the construction of the proposed electrical power line. The proposed right of way locations, generally on Indian allotment land, adjacent to existing roads would be the best alternatives. The proposed power line is direct, designed at the shortest route, which would have the least amount of environmental impact. A forum for public involvement in the decision-making process for the project was provided. The Mariano Lake Chapter support resolution is attached as Appendix B. The Land Board Committee of the Eastern Navajo Agency, and the Resources and Development Committee of the Navajo Council would review and recommend approval of the project. The Eastern Navajo Agency, BIA, would provide final approval.

3.0 AFFECTED RESOURCES AND ENVIRONMENTAL EFFECTS

3.1 Resources Not Considered in Detail

3.1.1 Climate

The Gallup Municipal Airport is the nearest weather station to the project area. The proposed power line project is located in a semi-arid climate. The project area experiences four distinct climatic seasons and has an annual average maximum temperature of 66.0°F and average minimum temperature of 44.3°F. Summer highs reach the 85.1°F range with lows in the 45.0°F average. Winter highs are usually in the 44°F range with lows at 13.6. Average annual precipitation is 11.08 inches in the Gallup area. The average annual snowfall is 30.6 inches (WRCC 2015). Due to the small size and nature of the proposed lease area, the proposed project would have no effect on climate. Since there would be no effects on climate, no mitigation would be required.

3.1.2 Air Quality

Ambient air quality in the project area may be regarded as good. Primary pollutants in the project area is wind-blown dust from loose topsoil common during times of high wind during the spring and dust from vehicular traffic along unimproved roads in the vicinity. These pollutants will not be generated in sufficient concentrations to produce measurable adverse effects to housing or damage to vegetation. Power line construction activities will not have a significant effect on the ambient air quality in the project area. No direct mitigation is required.

3.1.3 Geology and Seismicity

The pinyon-juniper tree covered Hosta Butte is the prominent land form northeast of the project area. The Rocky Canyon Road Power Line Project is located on the Cretaceous Lower Mancos Shale Formation, ascending from the lower San Juan Basin to the north, and part of the Zuni Uplift. The geologic structure is stable in the Rocky Canyon Road area, there are no regional faults or fissures in the area (Wilkes, M. E. Compiler, 2005). The proposed power line is located on a geologic slope, generally dipping 3 to 4 degrees north toward the San Juan Basin. Based on the history of the area, geology and seismicity will not be a factor in this development. No mitigation would be required for any geologic adversity.

3.1.4 Fisheries

There are no fisheries or fishery habitat occurrences in the proposed right of way area. No mitigation is required for any fishery adversity.

3.1.5 Socioeconomics and Environmental Justice

The proposed project is located in the Mariano Lake Chapter, Eastern Navajo Agency. From the time the Navajo Reservation and Indian Allotments were established in the early 20th century, Navajo social and political organization were based on the family, extended family, the clan, and related clans, with informal local leaders or headmen. The chapter system, now a strong element is social and political life, was introduced as a bureaucratic substitute for the headman system in the late 1920's. The chapter, district and agency system that has developed back then, operates simultaneously as an instrument of the Navajo Nation government and the Bureau of Indian Affairs

(Iverson, P., 2002). The 2004 census of the Mariano Lake Chapter sets the total population at 870 people (NN DCD/LSRI, 2004).

In general, local housing conditions are good to excellent. Employment and living standards of the Diné People in the greater Mariano Lake area may be better than what may be considered averaged. This is afforded because of the availability of educational opportunities and wage work available in Mariano Lake, Gallup, and Crownpoint. Dwellings in the surrounding area have been built by their owners and have two to three bedrooms. Modular homes in the area are a popular source of improved housing for those who can afford to purchase them.

While unemployment is high throughout the Checkerboard Area, raising livestock has been a sustainable economy in the past. Currently most residents in the Mariano Lake area are ranchers and wage earners, working a various government and commercial jobs in nearby towns. Bureau of Indian Affairs, Indian Health Service, and the Navajo Nation are the major employers in the region. Federal, and state government services, schools and major retail outlets are available in Gallup, and Grants, New Mexico.

The retired elderly in the Checkerboard Area still carry on the ranching life style. Individual allotments are relatively small and not large enough to sustain a viable operating ranch for the entire family, however. The younger family members wish to be with their elders and have moved back into the old homesteads; built their new houses on the ranch land, as the area provides a better quality of life, in contrast to apartment living in nearby towns.

Environmental Justice

The Rocky Canyon Road Power Line Project will be for the beneficial use of the Mariano Lake Community. As indicated, the majority of the local population is of Native American decent, representing 99.4% of the population. The mandate of environmental justice on impacted minorities and low income populations applies equally among the population, as the proposal will benefit the population as a whole. The local grazing lease holder and private rancher has agreed to the site location, has relinquished part of his land use area for the right of way. Mariano Lake Chapter has approved a supporting resolution, see Appendix B. In the future, the proposed power line will be reviewed by the BIA for approval of the right of way.

3.1.6 Land Use and Zoning

At an average elevation of 7,200 feet amsl, Rocky Canyon Road project is located on Indian allotment, Navajo Indian trust lands, and Navajo fee land. The bulk of the proposed project is located on Indian allotment land, and is use rangeland. The adjacent Indian trust land is used for rangeland and livestock production.

The area surrounding Mariano Lake, the land use is primarily rangeland and livestock watering points. Rangeland is the basic land use in the project area. For many years the land is used by the local families for farming, home sites and domestic livestock grazing (sheep, cows and horses). Earthen catchment basins are located throughout the project area. During the dry season livestock

water is hauled from a nearby windmill by truck to livestock range locations. Cattle guards, metal gates, roadway fences and access roads have been built for access to the homes, ranches, windmills and ranch property.

Road construction and maintenance are provided by the Bureau of Indian Affairs, and the Navajo Nation DOT. Community Water Supply at Mariano Lake is operated by Navajo Tribal Utility Authority (NTUA). Continental Divide Electric Cooperative, Inc. (CDECI) provides electrical power.

Indian Trust Resources

The power line right of way acreage will be withdrawn for the electrical power line rights of way. There are no other bankable assets, such as timber, fossil fuels, fossils, or valuable minerals on the tracts, surface or subsurface.

3.1.7 Prime Farmland

Prime farm land is not known in the Mariano Lake area. There are no irrigated fields. Agriculture is not the family life style in the project area. Livestock production and rangeland is the primary land use in the region.

3.1.8 Recreation

Mariano Lake Chapter residents will travel to nearby Cibola National Forest for an afternoon of picnicking and fishing. Navajo Department of Fish and Wildlife designates the project area as a big game hunting unit. NDF&W big game species include deer, and elk.

Gathering - approximately every three to five years, vicinity pinyon trees in the region will yield a bumper crop of pinyon nuts. Native people will gather this crop for individual consumption. The pinyon nuts would also be sold to local traders for cash.

Horseback riding is another recreational source, as horses and horse stables were observed. "Chicken Pulls" or rodeos are also a traditional sport and form of outdoor recreation in the region. Community rodeo grounds are located at Mariano Lake.

Outdoor recreation would come in relation to the traditional livestock raising to the people in the vicinity of Mariano Lake. In contrast to their regular jobs, fence building, ranching, farming activities would provide the ultimate form of outdoor recreation to the local families. This type of outdoor recreation (life style) would provide the relaxation, at the same time feeling of accomplishment, and family member reinforcement.

3.1.9 Traffic

Motorized traffic using the existing roads will not be a factor during construction and operation of the power line. The proposed power line is located in a predominantly rural setting. Traffic will not be a significant factor in this proposed action.

3.1.10 Noise

In acoustics, noise is defined as any undesired sound. The measurement of any sound stimulus is commonly made with a meter and a frequency analyzer. Meter measurement results are given in decibels (db). The normal ambient noise level in the vicinity of the proposed site fluctuates between 1 db (soft whisper) and occasionally 10 db (strong winds). Construction activities will generate noises which cannot be considered normal for the area. Noise levels in the 90 to 100 db range may be generated by the operation of heavy construction equipment.

Construction hours of operation will be 8:00 am to 7:00 pm during the day light hours. Noise from construction activities will not have a significant adverse effect on the local population and environment.

3.1.11 Floodplain

According to Federal Emergency Management Agency (FEMA) National Flood Hazard Layer (Official) maps, the bulk of the proposed project area is not located in a flood prone area, and is excluded from any floodplain designation by the agency. FEMA maps were reviewed at panels and 35031C1600E and 35031C1625E, Sections 15, 21 and 22, respectively (FEMA, 2018). On the north side, the proposed power line alignment would span a short segment of tributary arroyos of the Puerco River, a short distance of approximately 100 feet (panel 35031C1625E). The propose power line alignments would span the tributary arroyos, which are designated as 1% Annual Chance of Flood Hazard. The arroyos are dry most of the year. Further north outside the project area, the main Rocky Canyon Road would cross over the Puerco River. The site topography at this site generally dip west at approximately 2-3 degrees, which allows for ample drainage.

Generally, the primary discharges of these drainages in the Navajo region occur during the spring months, during the spring snow thaw, and during occasional intense summer thundershowers in late summer. As a result, flow is erratic and fluctuates widely both seasonally and annually. Torrential thunderstorms can produce flood-stage flows within minutes (Cooley, M. E., J. W. Harshbarger, J. P. Akers, & W. F. Hardt, 1969).

3.1.12 Wetlands and Riparian Habitat

The proposed project and action area would not traverse any wetland or riparian habitat on or adjacent to the proposed tract. There are no jurisdictional wetlands within the project area. The Gallup, NM National Wetlands Map were reviewed. The map indicate locations in the project area. These livestock impoundments are classified as Palustine (*PUSAh)*, unconsolidated shoreline, temporary flooded, and a dike/impoundment. *PUSAh* locations are located throughout the project area. These water impoundments are livestock watering points. The project would have no effect on the impoundments, as wetlands or riparian habitat occurrences do not exist on the project site. Existing livestock watering impoundments in the vicinity do not exhibit hydric soils, nor hydrophilic vegetation, nor do they support a wetland hydrology (U.S. ACOE, 1987). There are no wetlands or riparian habitat occurrences on or near the proposed project area alignments. No mitigation measures are recommended for wetland / riparian areas.

3.1.13 Hazardous, Toxic, and Radiological Waste

Other than roaming livestock, there are no previous industrial uses of the area. The propose power line and adjoining property have never been used as a gas station, motor repair facility, commercial printing facility, dry cleaner, photo developing laboratory, junk yard or landfill, or as a waste treatment, storage, disposal, processing or recycling facility. The propose project does not contain any damaged or discarded automotive or industrial batteries, pesticides, paints or other chemicals (stored or used). No fill dirt has been brought onto the property that originated from a contaminated site. There is no evidence of leaks and spills of hazardous substance or spills of petroleum products on the properties.

No Resource Conservation and Recovery Act (RCRA) Subtitle C hazardous waste sites, nor RCRA Subtitle D, non-hazardous solid waste sites occur on or near the project area. No Toxic Substance Control Act (TSCA) waste sites occur on or near the existing site. Hence, there will be no residual hazardous effects on the proposed right of way.

3.2 Topography and Soils

Existing Conditions

Hosta Butte at 8,620 feet amsl dominates the northeastern landscape. In the project area, dipping cuestas of shale and sedimentary rock is bisected by numerous tributaries that flow north to the Rio Puerco wash. The Rio Puerco flows west. Land form in the project area, and north of Mariano Lake, is characterized as high ridges and hills at an average elevation of 7200' amsl.

Soils on the proposed right of way are generally from clays and shales. The Zyme-Lockerby Soil Association is made up of "chammery" silty clay loam at 1 to 15 inches deep. The existing grassland-Pinyon-Juniper Savannah is a positive indicator of deep silty clay loam soils. These soils are generally free of any chemical adversity. Bedrock or parent material exists at the C horizon at 15" to 20" deep. Parent soils of the C horizon contain clays, shale and sandstone of the Cretaceous Formation (NRCS, 2017).

Effects

The propose project construction work or other related activities would not have impact on the surface topography or soils in the project area. No impacts to the surface and natural ground (soils) in the vicinity of the proposed project.

Mitigation

The proposed power lines would not have any impact to topography or soils. No mitigation is required to vicinity soils, or topography.

3.3 Water Resources and Water Quality

Existing Conditions

Land form in the Rocky Canyon Road area is characterized as high ridges and hills that dip north, bisected by numerous tributaries that flow north to the Puerco River wash, normally dry most of the year. Outcrops of the Lower Mancos Formation are of shale and sedimentary rock. Torrential

thunderstorms can produce flood-stage flows within minutes (Cooley, M. E., J. W. Harshbarger, J. P. Akers, & W. F. Hardt, 1969).

The Mariano Lake Community Water System, operated by Navajo Tribal Utility Authority (NTUA). The utility provides Safe Drinking Water to residents of Mariano Lake and the surrounding communities of Rocky Canyon, Red Willow, and Echo Canyon. The BIA school operates their own water system and distribution. Water storage tanks are located south of Mariano Lake. The existing water pipelines are located throughout subchapters.

Effects

The proposed project construction work or other related activities would not have impact on any springs, wells or aquifer recharge areas. No impacts to the surface and natural ground water in the vicinity of the proposed project may be expected.

Mitigation

The new power lines would not have any impact to the existing community water system. No mitigation is required.

3.4 Vegetation and Wildlife Biotic Community - Pinyon-Juniper (P-J) Savannah Ecosystem

Existing Conditions

The proposed project area, Rock Canyon Road, is located in the Pinyon-Juniper (P-J) Savannah Ecosystem, located in high plateau country of northwestern New Mexico (Brown, D. E., 1994). At approximately 7,200 feet amsl, the proposed right of way tract is characterized by natural open areas and the P-J ecotone, Pinyon pine *Pinus edulis,* Juniper trees *Juniperus monosperma* and numerous natural grasses. These trees and grasses are the dominant species in this savannah biome type.

The P-J and natural grass biome encompasses the entire Rocky Canyon Road project area. Under natural conditions, growing amid the P-J understory, are shrubs, grasses, forbs and annuals. These plants form the ecological backbone of the savannah ecosystem. The ecosystem provides food, shelter, cover, and nesting sites for birds, mammals, insects, and reptiles. Sagebrush, rabbit brush, yucca and snakeweed are some of the shrub species. Grass cover may be a mixture of dropseed, galleta, blue grama, ring muhly, and other species (Brown, D.E., and C.H. Lowe, 1994).

The natural open areas are typically composed of annuals, grasses, e.g. cheatgrass *Bromus tectorum* blue grama *Bouteloua gracilis*, galleta *Pleuraphis jamesii*, dropseeds *Sporobolus cryptandrus* and Indianrice grass *Oryzopsis hymenoides*, and shrubs, e.g. rabbitbrush *Chysothamnus nauseosus*, sagebrush *Artremisia spp.,* threadleaf groundsel *Senecio flaccidus*, banana yucca *Yucca baccata* and broom snakeweed *Gutierrezia sarothrae*.

Annual plants such as cheatgrass *Bromus tectorum*, Russian thistle *Salsolia kali*, tansy mustard

Descurainia obtusa, sun flower *Helianthur annus* and kochia weed *Bassia hyssopifolia* occur on the site.

The fauna of the Juniper Savannah is somewhat diverse than that of other habitats. Mule deer *Odocoileus hemionus* and elk *cervus canadensis* may roam the area in transit during late fall and winter months. Other big game species, the black bear *Ursus americanus* and wild turkey *Meleagris gallopavo*, are not found in the project area, as marginal foraging habitat exists. Mule deer and elk may frequent the area during the cold winter months. Construction of the proposed site in this residential and rural setting will not have an effect on the natural habitat necessary for the continued survival of these species.

Most abundant small mammals include blacktail jack rabbits *Lepus californicus*, mountain cottontails *Sylvilagus nuttalli*, pinyon mice *Peromyscus truei*, valley gophers *Thomomys bottae*, porcupines *Erethizon dorsatum*, Mexican woodrats *Neotoma mexicana* and Ord's kangaroo rats *Dipodomys ordi*.

Characteristic breeding birds of this ecosystem include common night hawks *Chordeiles minor*, pinyon jay *gymnorhinus cyanocephalus*, Northern flickers *Colaptes auratus*, Western kingbirds *Tyrannus verticalis*, horned larks *Eremophila alpestris*, loggerhead shrikes *Lanius ludovicianus*, sparrows Spizella spp., grey-headed juncos *Junco hyemalis* and common ravens *Corvus corax*.

Reptiles include striped plateau lizards *Sceloporus virgatus*, plateau whiptails *Cnemidophorus velox* and short-horned lizards *Phrynosoma douglassii*.

Effects

The proposed project is located in a rangeland and human activity area. Existing houses are located in the project area. Rangeland and livestock production is the dominant land use the project area (§ 5.2). Local residents use the Rocky Canyon Road and adjoining Navajo Route 49 to commute daily to and from work. Construction traffic and local traffic noise would be low and frequent.

Mitigation

The single phase electrical powerline would be designed according to the avian protection on power lines. The *Navajo Nation Raptor Electrocution Prevention Regulations,* Navajo Council Resource and Development Committee Resolution RCS-43-08, would be complied with to reduce the unlikelihood of potential raptor electrocution. All single or three phase electrical power poles and cross arms would follow the design standards to protect Golden Eagles and Ferruginous Hawks. No other direct mitigation is recommended for the fauna species.

3.5 Threatened and Endangered Species

3.5.1 Federal Threatened and Endangered Species

On April 4, 2017, a data response letter regarding Federal listed threatened and endangered species and Navajo Tribal species of concern list was received from the Natural Heritage Program, Navajo

Department of Fish and Wildlife. See Appendix A for the data response consultation.

3.5.1 Existing Conditions

With respect to the NHP consultation, a field survey of the Rocky Canyon Road Power Line Project was conducted May 1, 2017. The field survey was conducted to determine existing condition of wildlife habitat (cover, shelter/nesting activity, watering, forage condition & space), current land use and impacts of human activity, and possible project mitigation. The field survey also included a reconnaissance of wetland resources. The entire proposed project area was covered during pedestrian and roadside surveys. No ESA listed species or potential critical habitat, that would warrant special management consideration, were found in the proposed project area.

With regard to the Navajo Natural Heritage Program consultation letter April 4, 2017 one Federal ESA species was listed on the data request, the Zuni Rhizome Fleabane – listed as threatened. The proposed project is not expected to affect any federally listed species in the project area.

3.5.1 Effects-Table 3

Table 3 illustrates the U. S. Fish and Wildlife Service Endangered Species Act listing. The table describes the species existing condition/habitat requirements, species effects, and occurrence.

Table 3. Federal ESA Species Listed in Consultation with the Navajo Natural Heritage Program, Navajo Department of Fish & Wildlife.

FLORA		
Zuni Rhizome Fleabane *Erigeron rhizomatus* (ESA T, NESL G3)	Zuni Rhizome Fleabane *Erigeron rhizomatus* (ESA T, NESL G3) is typically found on fine textured clay soils on hillsides of mid to high elevations of 7,000 to 8,300 feet. It is known to inhabit clay soils derived from the Chinle Formation in the Zuni and Chuska Mountains, and to similar clays of the Baca Formation in the Datil and Sawtooth ranges in New Mexico (NNHP, 2008). On the Navajo Nation the species is found on the slopes of the Chuska Mountains from Lukachukai and west of Red Valley, Apache County, Arizona south to Navajo in McKinley County, New Mexico.	**NP** – Habitat not present and species unlikely to occur within the project area. The plant species was not present during the field surveys.

The Rhizome Fleabane was not found on the project right of way or zone of influence during the field surveys. Initial field surveys indicate T&E species are not present on the proposed right of way, therefore potential use of marginal habitat by the species would not be loss. The proposed project would not cause an incremental loss of potential nesting, cover and forage habitat of terrestrial ESA flora and fauna species. Approval of the proposed right of way would not have a long termed adverse effect on the species, as the species are not present on the proposed project area.

3.5.1 Mitigation-Avoidance

The Rhizone Fleabane is not found in the project right of way or zone of influence. No mitigation is planned for the fleabane species.

3.5.2 Navajo Endangered Species List (NESL) Special Management Species

On April 4, 2017, a data response letter regarding Federal listed threatened and endangered species and Navajo Tribal species of concern list was received from the Natural Heritage Program, Navajo Department of Fish and Wildlife. See Appendix A for the data response consultation.

With respect to the NHP consultation, a field survey of the Rocky Canyon Road Power Line Project was conducted May 1, 2017. The field survey was conducted to determine existing condition of wildlife habitat (cover, shelter/nesting activity, watering, forage condition & space), current land use and impacts of human activity, and possible project mitigation. The field survey also included a reconnaissance of wetland resources.

3.5.2 Existing Conditions

Onsite field surveys for threatened and endangered species were conducted by Denali Environmental Services on May 1, 2017. The entire proposed project area was covered during the roadside and pedestrian surveys; none of the special management NESL species were observed during the surveys.

The Navajo Natural Heritage Program April 4, 2017 letter lists nine known and potential species that warranted special management considerations by the proposed project. Table 4 illustrates the NESL species, as listed in the Navajo Natural Heritage Program data request/response letter. With respect to the species listing, the table describes the species existing condition/habitat requirements, and species effects. The proposed action would have no significant effects on any of the NESL special management species.

3.5.2 Effects – Table 4.

Table 4. Navajo Nation Department of Fish and Wildlife Special Management Species and their Potential to Occur in the Project Action Areas Based Upon Habitat Associations.

SPECIES /NESL STATUS	HABITAT ASSOCIATIONS	POTENTIAL TO OCCUR IN PROJECT OR ACTION AREA
FAUNA		
Golden Eagle *Aquila chrysaetos* (NESL G3)	Nest on steep cliffs, normally adjacent to foraging habitat of desert grasslands or desertscrub. Nests are reused and tend to become a huge mass of sticks and debris. Generally, Golden Eagle foraging habitat is present outside the project area. The onsite shrub/ grassland adjacent to the action area would provide foraging habitat for the raptor, as a variety of small mammals would inhabit the grassland. These small mammals, of marginal	**NS** - Habitat is marginally suitable, but species is not suspected to occur within the project area. The natural area contains large expanses of dense Pinyon-Juniper and sagebrush woodland, which may be suitable for foraging habitat. The woodland generally lacks the prey base as required for the eagle. The eagle may use the prey base for marginal foraging. The specie was not present during the field surveys.

	abundance, would serve as prey for the raptor.	
Peregrine Falcon *Falco peregrinus* (NESL G4) delisted from endangered	Natural foraging habitat surrounding nest site must support populations of their preferred prey. Foraging habitat includes support populations of their preferred prey. Doves, pigeons, waterfowl and small birds are their preferred forage.	**NS** - Habitat is marginally suitable, but species is not suspected to occur within the project area. The action area contains large expanses pinyon/juniper & sagebrush woodland that may not be suitable for foraging & nesting, as the rodent prey base is not present. The specie was not present during the field surveys.
Ferruginous Hawk *Buteo regalis* (NESL G3)	Nests are located in badlands, flat or rolling desert grasslands, and desertscrub. Most nests on Eastern Navajo Agency are on pinnacles, small buttes, or short cliffs; fewer are placed in tops of juniper trees or on the ground. Foraging habitat for the hawk include populations of prey animals: cottontails, jack rabbits, and prairie dogs. The hawk is a year around resident of the Navajo Nation; most breed in northwestern New Mexico,	**NS** In an area of moderate human activity and noise, no Ferruginous Hawks or nests were found along the proposed right of way or zone of influence. Previous and existing land uses (residential clusters, small farm plots, livestock grazing and transportation corridor) of the property has rendered the right of way unsuitable for hawk nesting.
Burrowing Owl *Athene cunicularia* (NESL G4)	The owl found in dry, open, short-grass, treeless plains. inhabits grassland shrub-steppe dominated by mixed grasses. Casual vagrant to prairie dog colonies, occupying abandoned holes in grassland biomes at 6,200-6,400 feet amsl, the owl rarely dig their own burrows and are typically associated with prairie dog colonies. Use areas that include shrubs such as fourwing saltbush and rabbitbrush, the owl also inhabits human-modified landscapes, such as golf courses and parking lots.	**NS** - Habitat suitable but species is not suspected to occur within the project area. No large prairie dog colonies or short grassland occur within the project or action area. The proposed action alternative would have no effect on the listed NESL owl species or their habitat.
Northern Leopard Frog *Lithobates pipiens NESL G2*	Species requires wetland and aquatic habitats. It inhabits wet meadows and fields bordering springs, slow streams, marshes, bogs, ponds, canals, flood plains, reservoirs, lakes, and is usually found near permanent water with rooted aquatic vegetation.	**K** – Known, documented observation within project area. The action area contains an open mix-conifer & oak forest. Suitable wetland or riparian habitat, the aquatic habitat for the frog is not present on the propose project area. The species was not present during the field surveys.

FLORA		
Sivinskii's Fleabane *Erigeron sivinskii* (NESL G4)	The Sivinski's fleabane *Erigeron sivinskii* ranges from Apache County, Arizona and McKinley County, New Mexico. The fleabane occurs on steep barren ground, shale slopes of the Chinle Formation, in pinyon-juniper woodland, and the Great Basin Desert Scrub communities. Known populations occur at 6100 feet to 7400 feet elevation. Suitable habitat can be identified year around.	**NP** – Habitat not present and species unlikely to occur within the project area. The plant species was not present during the field surveys. No mitigation is recommended for the fleabane.
Acoma Fleabane *Erigeron acomanus* (NESL G3)	Acoma Fleabane occurs in the pinyon–juniper woodland, on sandy soils of the Entrada Sandstone Formation. The fleabane is found at 7,000 feet amsl, north of Thoreau and north of Prewitt, New Mexico. The plant flowers in July, June thru August is recommended for the best time to field survey for the plant.	**NP** – Habitat not present and species unlikely to occur within the project area. The plant species was not present during the field surveys. No mitigation is recommended for the fleabane.
Navajo Bladderpod *Lesquerella navajoensis* NESL G3	Species mostly occurs on windward, windswept mesa rims and nearby habitat with little vegetative cover and high insolation. Also found at the base and slopes of small hills of the Chinle Formation. Typically only found in a combination of Todilto Limestone overlaying Entrada Sandstone or Chinle outcrops in pinyon-juniper communities. Suitable habitat can be identified year around.	**NP** – Habitat not present and species unlikely to occur within the project area. The plant species was not present during the field surveys. No mitigation is recommended for the bladderpod.
K – Known, documented observation within project area.		
S – Suitable habitat and species suspected to occur within the project area.		
NS – Habitat suitable but species is not suspected to occur within the project area.		
NP – Habitat not present and species unlikely to occur within the project area.		

The proposed power line right of way will have no effect on NESL species, as the species are not present. Initial field surveys indicate T&E species are not present on the proposed right of way, therefore potential use of marginal habitat by NESL species would not further be loss. The proposed project would not cause an incremental lost of potential nesting, cover and forage habitat of terrestrial NESL flora and fauna species. Approval of the proposed right of way would not have a long-term adverse effect on these species, as these species are not present on the proposed project area.

3.5.2 Mitigation of NESL Species

We conclude disturbed surface would be at a temporary loss. In the aftermath of construction, the reclaimed right of way would likely again contain favorable wildlife habitat, forage and cover,

required for all species, including threatened and endangered species. The seed mixture could contain forbs and shrubs that would present suitable habitat. This indirect mitigation is recommended for all fauna and flora on the proposed right of way, including ESA and NESL species. Natural vegetative cover can be restored over time.

The single phase electrical powerline would be designed according to the Avian Power Line Interaction Committee's *Reducing Avian Collisions with Power Lines: The State of the Art in 2012* (APLIC/U.S. F&WS, 2005). In addition, the single phase electrical powerline would be designed according to the avian protection on power lines. The *Navajo Nation Raptor Electrocution Prevention Regulations,* Navajo Council Resource and Development Committee Resolution RCS-43-08, would be complied with to reduce the unlikelihood of potential raptor electrocution. All single or three phase electrical power poles and cross arms would follow the design standards. No other direct mitigation is recommended for the fauna species. The proposed power line project should not impact any threatened & endangered species or their habitat.

3.6 Migratory Bird Treaty Act- Birds

Existing Conditions

Migratory birds and their habitats are protected under the Migratory Bird Treaty Act (MBTA) (16 USC §703-712) and EO 13186. All federal agencies are required to consider management impacts to protect migratory non-game birds. Executive Order 13186 calls for increased efforts to more fully implement the MBTA. In 2008, the U.S. Fish and Wildlife Service (USFWS) list of "Birds of Conservation Concern" was reviewed, specifically as they pertain to the Colorado Plateau physiographic area. The area indicates there are 27 avian species occurring on the southern Rocky Mountains and Colorado Plateau. See Table 5.

Most priority bird species occur on the USFWS, Division of Migratory Bird Management "Birds of Conservation Concern 2008". The Service designates the Southern Rockies / Colorado Plateau region as Bird Conservation Region 16, which the Navajo Indian Reservation and Eastern Navajo Agency are included.

Effects-Table 5

Although migratory birds could potentially occur in the area, none were observed during the environmental site visits. With respect to Table 5, the proposed construction would have no significant effect on the migratory bird species or their habitat. The proposed action alternative would result in a short-term and small scale loss of vegetation due to construction. No permanent loss of native vegetation is anticipated at the project area. Eolian deposits of native seed from the undisturbed vegetation would also help to propagate native plant species.

Once the habitat has reestablished, wildlife and migratory bird species would be expected to return to the area. To avoid any potential effects to migratory bird species or migratory bird habitat, the construction of the project would take place outside the nesting season. No long-term loss of vegetation or wildlife habitat is expected. As a result, the proposed replacement action would have no significant effects on migratory bird species.

Table 5. U.S. Fish and Wildlife Service, Division of Migratory Bird Management "Bird of Conservation Concern 2008" for the Southern Rockies/ Colorado Plateau (US F&WS, 2008).

SPECIES	HABITAT ASSOCIATION	EFFECTS	EFFECT RATING
Gunnison Sage Grouse *Centrocercus minimus*	Inhabits shrub-steppe dominated by sagebrush that provide canopy cover, shelter, & forage.	No suitable habitat.	Zero
American Bittern *Botaurus lentiginosus*	Wading bird inhabits wetlands, usually dense marsh reeds, rushes and sedges.	No suitable habitat present.	Zero
Bald Eagle *Haliaeetus leucocephalus*	Nests in old growth ponderosa pine and Douglas fir forest. Forages on fish and waterfowl. Inhabits the coast, rivers, large lakes; also mountain open country.	Generally, the Montane Ponderosa Pine forest type is suitable habitat for the Bald Eagle.	Low
Ferruginous hawk *Buteo regalis*	Inhabits open grasslands or desert scrub ecosystems. Nest often occurs on rock spires and butte formations. In woodland edge habitat, nests on flat-topped junipers.	Little conflict anticipated	Low
Golden Eagle *Aqulia crysaetos*	Open grasslands or desert scrub, In mountainous canyon terrain. Nest on cliffs and trees	Little conflict anticipated	Low
Peregrine Falcon *Falco peregrinus*	Inhabits rugged terrain with rocky cliffs and canyons 30 to 1,000 ft. high, adjacent to rivers lakes, or streams. Urban areas with towers and buildings are also inhabited	Little conflict anticipated.	Low
Prairie Falcon *Falco mexicanus*	Nests and forages in grassland, and open Juniper Savannah.	No conflict anticipated.	Low
Snowy Plover *Charadrius alexandrinus nivosus/tenuirostris*	Shore bird inhabits barren sandy beaches and flats.	Suitable habitat not present, no conflict anticipated.	Zero
Mountain Plover *Charadrius montanus*	Inhabits grassland plains; usually found on grassy or bare dirt fields.	Suitable habitat not present, no conflict anticipated.	Low
Long-billed Curlew *Numenius americanus*	Nests in wet & dry upland fields. In migration, a shore bird of wetlands and agriculture fields.	Suitable habitat not present, no conflict anticipated.	Zero
Yellow-billed Cuckoo *Coccyzus americanus*	No suitable riparian habitat present.Inhabits open woods, orchards, and streamside willow and alder groves.	No conflict anticipated	Zero
Flammulated Owl *Otus flammcolus*	Inhabits pine-oak woodland, ponderosa pine forest.	Suitable habitat present.	Moderate

Burrowing Owl *Athene cunicularia*	Inhabits grassland shrub-steppe dominated by mixed grasses. Casual vagrant to prairie dog colonies, occupying abandoned holes.	Little conflict anticipated.	Low
Lewis's Woodpecker *Melanerpes lewis*	Inhabits woodland forests of pine-oak. Nests in oak cavities and pine snags. Forages and stores acorns and insects.	Little conflict anticipated.	Low
Willow Flycatcher *Empidonax traillii*	Inhabits brushy habitats in wet areas; also in pastures, mountain meadows.	No suitable habitat.	Zero
Gray Vireo *Vireo vicinior*	Found in juniper savannah and open JP woodland, with scrub component. Inhabits mountains and chaparral-juniper scrubland.	No suitable habitat. Little conflict anticipated.	Low
Pinyon Jay *Gymnprjomus cyanocephalus*	Juniper Savannah, woodland, pine-oak ecosystems associated with high open habitats w/ openings, scattered trees or shrub components.	A multi ecosystem inhabitant, little conflict anticipated.	Low
Juniper Titmouse *Baeolophus ridgwayi*	Inhabits juniper-pinyon woodland.	No suitable habitat.	Zero
Veery *Catharus fuscescens*	Inhabits dense moist woodlands and streamside thickets. Casual in the Southwest.	No suitable habitat.	Zero
Bendire's Thrasher *Toxostoma bendirei*	Brushy desert shrub, especially areas of tall vegetation, cholla cactus, creosote bush and yucca.	No suitable habitat.	Zero
Grace's Warbler *Dendroica graciae*	Inhabits coniferous or mixed forests of southwest mountains, especially yellow pines. Usually forages high in the trees.	Suitable habitat present. Little conflict anticipated	Low
Brewer's Sparrow *Spizella breweri*	Inhabits mountain meadows and sagebrush flats.	Little conflict anticipated	Low
Grasshopper Sparrow *Ammodramus savannarum*	Inhabits moderately open grassland habitats, with patchy bare ground, and avoid areas with extensive shrub cover. Feeds and nests on ground.	No suitable habitat.	Zero
Chestnut-collared Longspur *Calcarius ornatus*	Inhabits upland grassland, generally found in dense grass; gregarious in fall and winter.	No suitable habitat.	Zero
Black Rosy-Finch *Leucosticte atrata*	Inhabits high mountains, rocky summits, alpine cirques and snowfields; winters in open country at lower elevations, spreading onto the plains.	Project area may contain suitable habitat.	Low

Brown-capped Rosy Finch *Leucosticte australis*	Inhabits high mountains, rocky summits, alpine cirques and snowfields; winters in open country at lower elevations, spreading onto the plains..	Project area may contain suitable habitat.	Low
Cassin's Finch *Carpodacus cassinii*	Woodland Ecosystem. Species inhabits evergreen woodlands.	Project area may contain suitable habitat.	Low

Mitigation of Migratory Birds

The proposed project construction would have no significant effect on the migratory bird species or their habitat. NNDF&W policy mandates that prior to construction the proposed activity would require a preconstruction survey of potential nesting birds on the tract, should construction occur during the breeding season. Any bird nests found within the proposed project area will be reported to the NDF&W biologist for appropriate mitigation prior to construction activities.

The activity will minimize the possibility of unintentional take of migratory birds. The proposed construction would involve vegetative disturbance (brush and tree removal). Construction activities from May 15 to July 31 will not be permitted without a migratory bird nest survey. If any active nests are located within the proposed project area, projects activities will not be permitted until written approval by NNDF&W biologist. The operator will monitor any active nests located from a nest survey.

In conclusion, Federal ESA listed T&E species and NESL Species of Concern are not present on the existing and power line right of way. The species are unlikely to be present on the right of way due to the absence of habitat: cover, forage, and nesting habitat requirements. The existing power line and immediate vicinity is disturbed by human activity. At various project construction intervals in the project area has resulted in an atypical vegetative cover and disturbed soils, as various intervals of grading and uncontrolled grazing were implemented. Suitable species habitat is not found within the proposed project area or adjacent to the existing roadway.

3.7 Esthetics and Visual Resources

Existing Conditions

Unlike other federal public lands, no regional esthetics or visibility studies have been conducted or designated in the project area. However, regional esthetics and visibility in the project area can be considered to be good.

Effects

The proposed project is not located on public lands within an area designated under any federal classification. The Native American People consider their lands as sacred, because of the traditional cultural property, historic tradition, sensitivity, scenic quality, and distance. The tribe would not allow degradation to even those lands containing the least amount of valued esthetics and visual resources, which basically do not exist on tribal lands. After construction, the visual modification would contain the power line, which level of change may be visible, but should not attract attention

long-term. During construction, impact to esthetics and visual resources in the project area will be moderate and short-term; visual impacts would be low during operations and maintenance.

Mitigation

No direct mitigation is proposed for esthetics and visual resources.

3.8 Cultural Resources

Existing Condition

Dinetahdoo Cultural Resource Management, LLC of Farmington, New Mexico conducted the project Archeological field survey and crafted a field inventory report entitled: *A Cultural Resource Inventory of the Proposed Rocky Canyon Powerline Project in Mariano Lake, McKinley County, New Mexico for Continental Divide Electric Cooperative (W.O. #47574).* A Cultural Resource Compliance Form, NNHPD Number HPD-17-878, has been created for this undertaking, as shown in Appendix C.

As part of the archeological inventory, interviews regarding traditional cultural properties (TCPs) were conducted with the local land users and chapter officials.

Effects

Effects/Conditions of Compliance are indicated on the Cultural Resource Compliance Form, and recommended in the cultural resource field inventory report. No historic properties would be affected at site NM-Q-27-54 if the compliance conditions were followed:

1) Prior to any construction, the site boundary will be flagged and/or temporary fenced.
2) No construction, equipment or vehicular traffic will be allowed within the site boundary.
3) All future maintenance activities shall avoid the site by a minimum of 50 feet from the site boundary.

Traditional cultural properties (TCPs) #565, #248, and #148 were identified near or within the proposed power line right of way and noted in the report.

Mitigation

The project sponsor acknowledges the following statement with respect to cultural resources during construction: *In the event of the discovery ['discovery" means any previously unidentified or incorrectly identified cultural resources; including but not limited to archaeological deposits, human remains, or locations reportedly associated with Native American religious/traditional beliefs or practices] all operations in the immediate vicinity will cease and the Navajo Nation Historic Preservation Department will be notified at (928) 871-7198.*

4.0 CUMULATIVE IMPACTS AND CONSIDERATIONS FOR SELECTION OF THE PREFERRED ALTERNATIVE

Cumulative effects are effects of the project in consideration with other past, present, or reasonably foreseeable projects in the local area. There are no past projects that resulted in identifiable long-term effects having a cumulative relationship with the effects of the proposed project.

In the future, there would be no other proposals or other right of way applications planned in the reasonably foreseeable future in the area. The proposed lease application action will not have significant impact on the human environment. The approval of the requested use area would have minimal effect on the resource use patterns in the project area. The grazing permit holders would

relinquish trust land and allotted land to the development. It is the practice of the government to compensate the traditional land user for the grazing resource loss.

Climate change results from the incremental addition of greenhouse gases a (GHG) emissions from millions of individual sources, which collectively have a large impact on a global scale. Climate change is a particularly complex challenge given its global nature and the inherent interrelationships among its sources, causation, mechanisms of action, and impacts (CEQ, 2016).

In regard to cumulative impacts on regional air quality and climate change from greenhouse gas emissions, the lack of scientific tools designed to predict climate change on regional or local scales limits the ability to quantify potential future impacts of the proposed project. Analyzing greenhouse gases emission and the effects of climate change relevant to a proposed action – particularly how climate change may change an action's effects of a propose project – is currently not available. The propose action, construction of a new power line, is not listed among the standard of performance for new stationary source in accordance with 40 Code of Federal Regulation part 60, National Ambient Air Quality Standard (NAAQS, CAA, 1990).

5.0 COMPLIANCE WITH ENVIRONMENTAL LAWS AND REGULATIONS

Clean Air Act, as amended and recodified (42 U.S.C. 7401 et seq.) *Compliance.* The proposed project is not expected to violate any Federal air quality standards and would not degrade the attainment of air quality objectives of the air shed.

Clean Water Act § 402 *Compliance.* The Environmental Protection Agency administers Section 402 of the Clean Water Act (formerly the Federal Water Pollution Control Act). Operators are normally required to obtain all necessary permits and approvals for projects requiring CWA permits prior to any disturbance activities.

Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) *Compliance.* No Federally listed species or their habitats have been identified in or near the project area. ESA requires all federal departments and agencies to conserve threatened and endangered species and the habitats on which they depend, and to consult with the U. S. Fish and Wildlife Service (USFWS), on all actions authorized, funded or carried out by the agency to ensure that the action will not likely jeopardize the continued existence of any threatened and endangered species or adversely modify critical habitat. Special management species (NESL) habitat has been identified as Raptor Sensitive Area. CDECI will implement measures to avoid impacts to the species during construction.

Executive Order 11988, Floodplain Management *Compliance.* This order directs all Federal agencies to avoid to the extent possible the adverse effects associated with the modification of floodplains, and to avoid support of floodplain development wherever there is a practicable alternative. Floodplains would have no effect on the proposed project, as shown in Section 3.1.11.

Executive Order 12898 Environmental Justice *Compliance.* The order direct all Federal agencies to identify and address disproportionate adverse effects of their programs, polices, and activities on

minority and low-income populations. The proposed action will benefit all sectors of society; no minority or low income populations would be directly adversely affected from proposed action. Indirect effects could include positive effects due to overall benefit related to the project site in the area. The project would increase the quality of life for the residents.

Farmland Protection Policy Act (7 U.S.C. 4201 et seq.) *Compliance.* There are no effects on prime farmland or farmland of statewide importance because no prime farmland exists in the project area.

Migratory Bird Treaty Act, as amended (16 U.S.C. 703 et seq.)/ EO 13186 *Compliance.* Migratory birds and their habitats are protected under the Migratory Bird Treaty Act (MBTA) (16 USC §703-712) and EO 13186. All federal agencies are required to consider management impacts to protect migratory non-game birds. Executive Order 13186 calls for increased efforts to more fully implement the MBTA. The proposed action would have no significant effect on the bird species or their habitat.

National Environmental Policy Act (NEPA) (42 U.S.C. 4321 et seq.) *Compliance.* The final EA and signed FONSI are in full compliance with NEPA.

National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 et seq.) *Compliance.* The Navajo Nation Historic Preservation Department requires NHPA compliance and consultation with all development projects on the Navajo Nation. NNHPD has determined that NHPA § 106 responsibilities are adhered to, as no historic properties would be affected. See Appendix C.

Recourse Conservation and Recovery Act (RCRA), Comprehensive Environmental Response Conservation and Liabilities Act (CERCLA), or Toxic Substance Control Act (TSCA) *Compliance.* There are no Recourse Conservation and Recovery Act (RCRA), Comprehensive Environmental Response Conservation and Liabilities Act (CERCLA), or Toxic Substance Control Act (TSCA) sites on the proposed site.

6.0 PUBLIC INVOLVEMENT

The Mariano Lake Chapter has passed a resolution approving the proposed power line extensions. See Appendix B. In the future, the Eastern Navajo Agency would review and consider the right of way application, and process the application for passage. The Branch of Environmental Quality Act Compliance and Review of the Navajo Regional Office, BIA, would make a Finding of No Significant Impact determination as result of their review.

7.0 COORDINATION AND REVIEW OF THE EA

Dinetahdoo Cultural Resource Management, LLC of Farmington, New Mexico conducted the project archeological survey and crafted a field report entitled: *A Cultural Resource Inventory of the Proposed Rocky Canyon Road Powerline Project in Mariano Lake Chapter, McKinley County, New Mexico for Continental Divide Electric Cooperative, Inc. (W.O. #47574).* A Cultural Resource

Compliance Form, NNHPD Number HPD-17-878, has been created for this undertaking, as shown in Appendix C.

CDECI conducted consultation with the Navajo Department of Fish and Wildlife, Navajo Nation. The consultation would assure mandated protection of Federal Endangered Species Act (ESA) and Navajo Endangered Species List (NESL) threatened and endangered species. The Navajo Department of Fish and Wildlife website was consulted for the Biological Resources Land Clearance Policy and Procedures. A NDF&W-NHP concurrence letter and a *Biological Resource Compliance Form,* at Appendices D, is created for the project.

8.0 CONCLUSIONS

This Environmental Assessment addresses the proposed action relative to the existing conditions, potential effects, and mitigation for the power line construction, on the Navajo Indian lands. The preferred alternative is reasonable. Impacts to the environment would be non-significant and short-term. The approval of the requested use area would have minimal effect on the resource use patterns in the project area. There would be no cumulative adverse effects of the proposed project. The proposed action would not significantly affect the quality of the human environment; no significant impacts have been identified in the development of this environment assessment. Therefore, furtherance of an environmental impact statement development will not be required. CDECI construction and operations of the proposed power line project is recommended.

9.0 LIST OF PREPARERS / CONSULTATION AND COORDINATION

This environmental assessment was prepared by Mr. Leonard Robbins, PES, Denali Environmental Services, P. O. Box 1127, Fort Defiance, Arizona 86504, denali1946@msn.com.

10.0 REFERENCES

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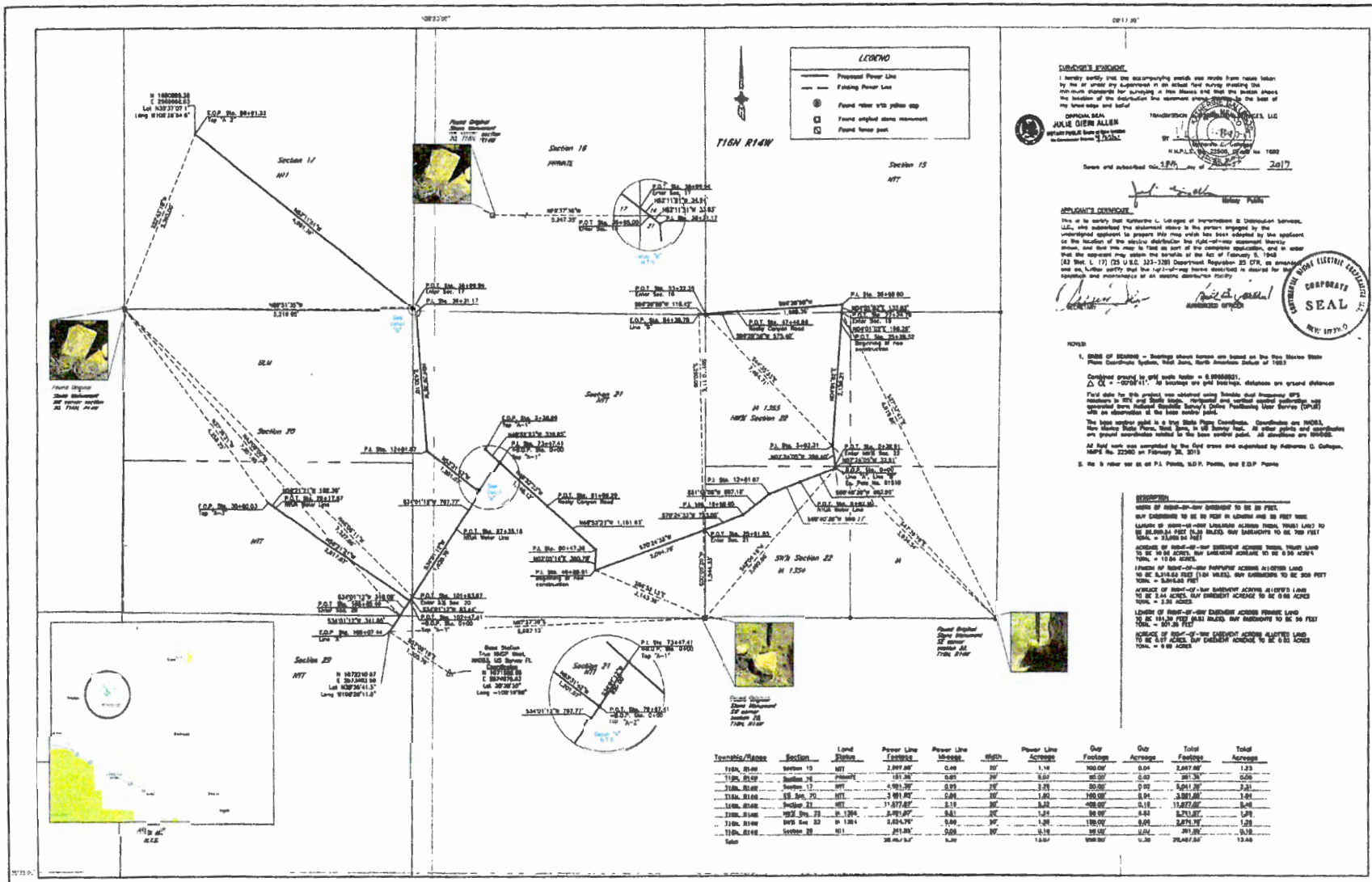
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APPENDIX A

Land Boundary Survey & Description


LEGEND
Proposed Power Line
Existing Power Line
Found rebar with yellow cap
Found weighted stone monument
Found fence post
T16N R14W
Section 17
Section 16
Section 15
Section 20
Section 21
Section 29
Section 28
SURVEYOR'S STATEMENT
APPLICANT'S CERTIFICATE
NOTES:
DESCRIPTION
SCALE:
1 INCH = 600 FEET
CONTINENTAL DIVIDE ELECTRIC CO-OP, INC.
GRANTS, NM
NEW MEXICO 22 MCKINLEY
ROCKY CANYON ROAD
POWER LINE PROJECT
PERMIT MAP 1 OF 1
STATE
COUNTY
DETAIL
NM
McKINLEY
WORK ORDER NUMBER 47574

APPENDIX B

Local Chapter Resolution

MARIANO LAKE CHAPTER
PO BOX 164, Smith Lake, NM 87365
Phone (505) 786-2180/2182 Fax (505) 786-2181
Email: marianolakechapter@yahoo.com

RESOLUTION OF THE MARIANO LAKE CHAPTER

Resolution No: MLC 2016-09-0A

Requesting the Navajo Nation to approve contract between the Navajo Nation and the Continental Divide Electric, Inc. to Plan, Design and Construct Powerlines and authorizing the Navajo Nation Community Housing Infrastructure Development (CHID) Office to administer the funds for the Mariano Lake Chapter using the $300,000.00 Tribal Infrastructure Funds (TIF) Planning Grant and the $778,646.00 UUFB Supplemental and balance of $36,242.08 for the Rocky Canyon Powerline with preliminary clients, Echo Canyon Powerline Project with preliminary clients, Red Willow and Mariano Lake Loop Powerline Project with all clients identified and Scattered Powerline Project with clients: Max Ramone, Nancy Nih, Gladys Yazzie and Juanita Pino.

WHEREAS:

1. Pursuant to the Navajo Nation Council Resolution Number CAP-34-98 and pursuant to the "Local Governance Act", 26 N.N.C., Chapter 1, Subchapter 1, Section 3(a), the Mariano Lake Chapter is a certified local chapter of the Navajo Nation Government; and pursuant to Local Governance Act", 26 N.N.C., Chapter 1, Sub-chapter 1, Section 131 (1) (2), the Mariano Lake Chapter has the responsibility and authority to promote, protect, and preserve the interest and general welfare including the safety of its community people; and
2. In 2005, the Mariano Lake Chapter (the Chapter) received governance certification on its Community Land Use Plan in accordance with Title 26 of the Navajo Nation laws. The Mariano Lake Chapter renewed membership of its 2012 Community Land Use Plan Committee (CLUPC). CLUPC is responsible for planning economic developments and basic needs of the chapter that would improve the safety, health and socio-economic standards of the people; and
3. The community of Mariano Lake authorizes the Navajo Nation Community Housing Infrastructure Development program (CHID) to administer the powerline funds on behalf of Mariano Lake Chapter using the $300,000 New Mexico State Tribal Infrastructure Funds and NN UUFB $778,646.00 Supplemental and the Top Mesa Powerline Project Balance of $36,242.08; and
4. The funds will be used for powerline projects: Rocky Canyon Powerline, Echo Canyon Powerline, Red Willow and Mariano Lake Loop Powerline and Scattered Powerline; and
5. All preliminary clients have been identified by Continental Divide Electric Cooperative Inc. with Mariano Lake Chapter and will be finalized after surveys are completed; and
6. This action is in the best interest of the Mariano Lake Community to expedite processing of documents

NOW THEREFORE BE IT RESOLVED:

The people of Mariano Lake community hereby authorize the Navajo Nation Community Housing Infrastructure Development Program to expedite and administer the funds and all pertinent documents for the powerlines projects.

CERTIFICATION

We hereby certify that the foregoing resolution was considered at a duly called REGULAR Mariano Lake Chapter of the Navajo Nation, New Mexico at which a quorum was present and the same passed by a vote of 30 in favor, and -0- opposed and 01 abstained on the 21st day of September 2016 Marie King motioned and Wilhelmina Tom second the motion

Anthony Begay, President | Jay R. DeGroat, Vice-President | Bessie L. Tsosie, Sec./Treasurer

APPENDIX C

Cultural Resource Compliance Form

COPY @ 01/02/18

THE NAVAJO NATION
HERITAGE & HISTORIC PRESERVATION DEPARTMENT
PO Box 4950, Window Rock, Arizona 86515
TEL: (928) 871-7198 FAX: (928) 871-7886

CULTURAL RESOURCES COMPLIANCE FORM

ROUTE COPIES TO:	NNHPD NO.: HPD-17-878
☑ DCRM	OTHER PROJECT NO.: DCRM 2017-24

PROJECT TITLE: A Cultural Resources Inventory of the Proposed Rocky Canyon Powerline in Mariano Lake, McKinley County, New Mexico for Continental Divide Electric Cooperative. (Work Order #47574)

LEAD AGENCY: BIA/NR

SPONSOR: Debbie Olivar, Technical Engineer/ROW, Continental Divide Electric Cooperative, Inc., 200 E. High Street P.O Box 1087, Grants, New Mexico 87020.

PROJECT DESCRIPTION: The Continental Divide Electric Cooperative proposes to construct, operate, and maintain the distribution line which provide electrical power to the Rocky Canyon community in the Mariano Lake Chapter, McKinley County, New Mexico. The current survey includes an existing power distribution lines which already services the community. The total area surveyed is 29,407.53 ft (5.57 mi) in length, with a right-of-way measuring 20 ft wide (6 m). The area of effect equals 13.45 ac (5.44 ha). Ground disturbing activities will be intensive and extensive with the use of heavy equipment.

LAND STATUS:	Navajo Tribal Trust Land
CHAPTER:	Mariano Lake
LOCATION:	*T.* 16 *N.*, *R.* 14 *W-* *Sec.* 15-17, 20-22, &29; Mariano Lake Quadrangle, McKinley County, New Mexico NMPM
PROJECT ARCHAEOLOGIST:	Jeremy Begay, Shane V. Wero, and Arlo Werito
NAVAJO ANTIQUITIES PERMIT NO.:	B17240
DATE INSPECTED:	05/25/16 – 05/26/16
DATE OF REPORT:	11/06/17
TOTAL ACREAGE INSPECTED:	60.76 – ac
METHOD OF INVESTIGATION:	Class III pedestrian inventory with transects spaced 10 m apart.
LIST OF CULTURAL RESOURCES FOUND:	**(1) Site (NM-Q-27-54), (8) Isolated Occurrences (IOs), (5) In-Use Areas (IUAs), (2) Family Cemeteries**
LIST OF ELIGIBLE PROPERTIES:	**(1) Site (NM-Q-27-54)**
LIST OF NON-ELIGIBLE PROPERTIES:	**(8) IOs, (5) IUAs, (2) Family Cemeteries**
LIST OF ARCHAEOLOGICAL RESOURCES:	**None**

EFFECT/CONDITIONS OF COMPLIANCE: No historic properties affected with the following conditions:

Sites: NM-Q-27-54

1. **Prior to any construction, the site boundary will be flagged and/or temporarily fenced.**
2. **No construction, equipment or vehicular traffic will be allowed within the site boundary.**
3. **All future maintenance activities shall avoid the site by a minimum of 50 ft. from the site boundary.**

TCP verification form attached in report findings. TCPs #565, #248, and #148 have been noted in report.

In the event of a discovery ["*discovery*" means any previously unidentified or incorrectly identified cultural resources including but not limited to archaeological deposits, human remains, or locations reportedly associated with Native American religious/traditional beliefs or practices], all operations in the immediate vicinity of the discovery must cease, and the Navajo Nation Historic Preservation Department must be notified at (928) 871-7198.

FORM PREPARED BY: Lukai Nez
FINALIZED: December 7, 2017

Notification to Proceed Recommended ☑ Yes ☐ No

Conditions: ☑ Yes ☐ No

Richard M. Begay, Director/THPO 12/7/17
The Navajo Nation Date
Heritage & Historic Preservation Dept.

Navajo Region Approval ☑ Yes ☐ No
12/18/17

BIA – Navajo Regional Office 12/18/17 Date

APPENDIX D

Navajo Nation Department of Fish & Wildlife

Biological Resource Compliance Form

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Navajo Regional Office
P.O. Box 1060
Gallup, New Mexico 87301

IN REPLY REFER TO:
465: Branch of Environmental Quality Act Compliance and Review

FEB 0 6 2018

Mr. Leonard Robbins
Denali Environmental Services
P.O. Box 1127
Fort Defiance, AZ 86504

Dear Mr. Robbins:

The Environmental Assessment (EA), **EA-18-20938**, received January 12, 2018, for the **CDEC Rocky Canyon Road Power Line**, was reviewed in the Branch of Environmental Quality Act Compliance and Review, Navajo Regional Office.

Continental Divide Electric Cooperative, Inc. (CDEC) of Grants, New Mexico is seeking a right-of-way (ROW) to construct, operate, and maintain an electrical power line to serve the Rocky Canyon Road Community in Mariano Lake Chapter, New Mexico. The proposed power line would provide electrical service to five existing homes. The electrical line would be a single phase 14.4 kilo volt line. CDEC is asking for a ROW width of 20 feet wide with a combined length (power line and guy) of 29,206.17 feet, encompassing 13.36 acres, crossing Navajo Tribal Trust land and Individual Allotted Lands. The project will also cross private land with a combined length (power line and guy) of 201.36 feet, encompassing 0.09 acres. CDEC is asking for a ROW across Navajo Tribal Trust land and Individual Allotted Lands.

In accordance with Section 102 (2) (c) of the National Environmental Policy Act (NEPA) of 1969, as amended, and the Council of Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 Code of Federal Regulations (CFR) Parts 1500-1508), the Bureau of Indian Affairs, Navajo Regional Office, finds that the Proposed Action is not a major federal action that will significantly impact the quality of the human environment. Therefore, an Environmental Impact Statement is not required for implementing the Proposed Action. This Finding of No Significant Impact (FONSI) is supported by the Environmental Assessment (EA) and the supporting appendices and documents.

If you have questions, you may contact Ms. Harrilene Yazzie, Supervisory Environmental Protection Specialist at (505) 863-8287.

Sincerely,

Acting Regional Director, Navajo

Enclosure

FINDING OF NO SIGNIFICANT IMPACT
ENVIRONMENTAL ASSESSMENT EA-18-20938
CDEC ROCKY CANYON ROAD POWER LINE

CONTINENTIAL DIVIDE ELECTRIC COOPERATIVE, INC.

Location: Mariano Lake, NM Quadrangle USGS 7.5 Minute Series Map

Sections 15, 17, 20-22, 29, T16N, R14W, NMPM

Mariano Lake Chapter, McKinley County, New Mexico

Continental Divide Electric Cooperative, Inc. (CDEC) of Grants, New Mexico is seeking a right-of-way (ROW) to construct, operate, and maintain an electrical power line to serve the Rocky Canyon Road Community in Mariano Lake Chapter, New Mexico. The proposed power line would provide electrical service to five existing homes. The electrical line would be a single phase 14.4 kilo volt line. CDEC is asking for a ROW width of 20 feet wide with a combined length (power line and guy) of 29,206.17 feet, encompassing 13.36 acres, crossing Navajo Tribal Trust land and Individual Allotted Lands. The project will also cross private land with a combined length (power line and guy) of 201.36 feet, encompassing 0.09 acres. CDEC is asking for a ROW across Navajo Tribal Trust land and Individual Allotted Lands.

The BIA's deliberation as to whether a Finding of No Significant Impact (FONSI) is appropriate, or, whether an Environmental Impact Statement (EIS) should be prepared, took into consideration, the following issues, which are addressed in the environmental assessment (EA).

1. **Beneficial and adverse environmental impacts:** The EA demonstrates that there will be no significant adverse or beneficial impacts on the quality of the human environment, including: climate, air quality, geology and seismicity, fisheries, socioeconomics and environmental justice, land use and zoning, prime farmland, recreation, traffic, noise, floodplains, wetlands and riparian habitat, hazardous, toxic and radiological waste, topography and soils, water resources and water quality, vegetation and wildlife, threatened and endangered species, migratory birds, esthetics and visual resources, and cultural resources.

2. **Public health and safety:** The proposed power line is located in a predominately rural setting (EA Section 3.1.9 Traffic). New access roads to the project site will not be required; the operator will use existing roads (EA Section 1.1 Description of the Proposed Action). Therefore, the impact to public health and safety will be minimal. The health and safety of the community will improve with the installation of the proposed power line.

3. **Clean Water Act (CWA) Compliance: When a project spans, crosses or results in work in a river bed, stream bed or wetland, permits from the U.S. Army Corps of Engineers (ACOE) and/or the Navajo Nation Environmental Protection Agency, Water Quality Program may be required, including: Section 401, Water Quality Certification; Section 402(p), Storm Water Pollution Prevention Plan, if the project activity will disturb surfaces of ½ acre or more; and Section 404, Permit for Discharge of Dredge or Fill**

Material into Waters of the US. The applicant shall submit and obtain approval for all required applications prior to construction. The applicant shall adhere to all mitigation measures and strategies developed with the U.S. Army Corps of Engineers and the Navajo Nation Environmental Protection Agency: Based on the EA, this project does not cross or span any waters of the U.S. Continental Divide Electric Cooperative, Inc. will contact ACOE and Navajo Nation EPA for consultation to ensure no permits are needed for construction.

4. **Unique characteristics of the geographic area:** The project area is not unique within its geographical setting and is similar to other areas in the region. There are no prime farmlands, wild and scenic rivers, wilderness areas, refuges, park lands, unique ecological areas, or other unique or rare characteristics of the land and aquatic environs that will be significantly affected.

5. **Degree to which the effects on the quality of the human environment are likely to be highly controversial:** There are no known scientific controversies over the effects of the proposed project on the human environment.

6. **Degree to which the effects are highly uncertain or involve unique or unknown risks:** There are no known effects on the human environment that are highly uncertain or involve unique or unknown risks.

7. **Degree to which this action will establish a precedent for future actions with significant effects:** This project will not set a precedent for similar projects that may be implemented by the BIA or other agencies.

8. **Relationship to other actions with cumulatively significant impacts:** There are no known incremental effects of the action that become significant when added to other past, present, or reasonably foreseeable future actions that have affected, or will affect, the project area.

9. **Degree to which the action may affect districts, sites, objects, or structures listed on, or eligible for, the National Register of Historic Places, or may cause loss of significant cultural resources:** The Navajo Nation Historic Preservation Department (NNHPD) issued a Cultural Resources Compliance Form (CRCF) with NNHPD No. HPD-17-878 on December 18, 2017 with conditions of compliance.

   Effects/Conditions of compliance: No historic properties affected with the following conditions:

   Sites: NM-Q-27-54
   1. Prior to any construction, the site boundary will be flagged and/or temporarily fenced.
   2. No construction, equipment or vehicular traffic will be allowed within the site boundary.
   3. All future maintenance activities shall avoid the site by a minimum of 50 feet from the site boundary.

   TCP verification form attached in report findings. TCPs #565, #248, #148 have been noted in

the report.

In the event of a discovery of a previously unidentified or incorrectly identified cultural resource(s), all operations in the immediate vicinity of the discovery must cease, and the NNHPD must be notified.

10. **Degree to which the action may affect threatened, endangered, or sensitive species or their habitat:** A Biological Resources Compliance Form (BRCF) with NNDFW Review No. 17dan1101rcr, was issued by the Navajo Nation Department of Fish and Wildlife (NNDFW) on November 15, 2017, approving the proposed action with no avoidance/mitigation measures and no conditions of compliance.

11. **Whether the action violates Federal or local laws or requirements imposed for the protection of the environment:** The proposed project will not violate any Federal or Tribal environmental laws or requirements.

12. **Indian Trust Assets:** The proposed project area does not contain any Indian Trust Assets in the form of perennial water resources, fisheries, saleable timber, paleontology resources or agricultural resources. The proposed project area is not part of any right-of-way avoidance and exclusion areas, wilderness area, special management area, area of critical environmental concern, or other protected area.

13. **Climate Change, its effects on the proposed action and its environmental impacts:** In regard to cumulative impacts on regional air quality and climate change from greenhouse gas emissions, the lack of scientific tools designed to predict climate change on regional or local scales limits the ability to quantify potential future impacts of the proposed project. Analyzing greenhouse gases emissions and the effects of climate change relevant to a proposed action – particularly how climate change may change an action's effects of a proposed project is currently not available (EA Section 4.0 Cumulative Impacts and Considerations for Selection of the Preferred Alternative).

CONCLUSION

The proposed action is the Preferred Alternative. It does not constitute a major federal action, which normally requires preparation of an environmental impact statement (EIS).
Based on the foregoing, it has been determined that an EIS is not required for this project and thus will not be prepared.

for Justine A. Vainai
Regional NEPA Coordinator

2/5/18
Date

NNDFW Review No. 17danl101rcr

BIOLOGICAL RESOURCES COMPLIANCE FORM
NAVAJO NATION DEPARTMENT OF FISH AND WILDLIFE
P.O. BOX 1480, WINDOW ROCK, ARIZONA 86515-1480

It is the Department's opinion the project described below, with applicable conditions, is in compliance with Tribal and Federal laws protecting biological resources including the Navajo Endangered Species and Environmental Policy Codes, U.S. Endangered Species, Migratory Bird Treaty, Eagle Protection and National Environmental Policy Acts. This form does not preclude or replace consultation with the U.S. Fish and Wildlife Service if a Federally-listed species is affected.

PROJECT NAME & NO.: Rocky Canyon Road Power Line Right-of-Way, WO#47574

DESCRIPTION: CDEC proposes to construct, operate, and maintain a scattered power line project to serve community members within the Mariano Lake Chapter. The combined length of the power lines would be 29,407.53 ft. in length within 20-ft. wide ROW corridor, encompassing 13.45 acres.

LOCATION: Sections 15-17, 20-22, & 29, T16N, R14W, Mariano Lake Chapter, McKinley County, New Mexico

REPRESENTATIVE: Leonard Robbins, Denali Environmental Services for Continental Divide Electric Cooperative, Inc. (CDEC)

ACTION AGENCY: Navajo Nation and Bureau of Indian Affairs

B.R. REPORT TITLE / DATE / PREPARER: Rocky Canyon Road Powerline Project WO#47574 BE for ROW Application/OCT 2017/Denali Environmental Services

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 3.

POTENTIAL IMPACTS

NESL SPECIES POTENTIALLY IMPACTED: NA

FEDERALLY-LISTED SPECIES AFFECTED: NA

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA

AVOIDANCE / MITIGATION MEASURES: NA

CONDITIONS OF COMPLIANCE*: NA

FORM PREPARED BY / DATE: Pamela A. Kyselka/14 NOV 2017

COPIES TO: (add categories as necessary)

☐ _____ ☐ _____

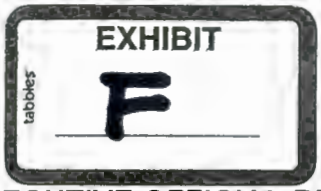
2 NTC § 164 Recommendation: Signature _____ Date 11/15/2017

☒ Approval
☐ Conditional Approval (with memo)
☐ Disapproval (with memo)
☐ Categorical Exclusion (with request letter)
☐ None (with memo)

Gloria M. Tom, Director, Navajo Nation Department of Fish and Wildlife

*I understand and accept the conditions of compliance, and acknowledge that lack of signature may be grounds for the Department not recommending the above described project for approval to the Tribal Decision-maker.

Representative's signature Date



Document No. **010040** Date Issued: **04/04/2018**

EXECUTIVE OFFICIAL REVIEW

Title of Document: CDEC, ROW Mariano Lake Chpt-Rocky Canyon Contact Name: YAZZIE, ELERINA B

Program/Division: DIVISION OF NATURAL RESOURCES

Email: elerina_yazzie@frontier.com Phone Number: 928-871-6447

			Sufficient	Insufficient
☐	**Business Site Lease**			
	1. Division: _____	Date: _____	☐	☐
	2. Office of the Controller: _____	Date: _____	☐	☐
	(only if Procurement Clearance is not issued within 30 days of the initiation of the E.O. review)			
	3. Office of the Attorney General: _____	Date: _____	☐	☐
☐	**Business and Industrial Development Financing, Veteran Loans, (i.e. Loan, Loan Guarantee and Investment) or Delegation of Approving and/or Management Authority of Leasing transactions**			
	1. Division: _____	Date: _____	☐	☐
	2. Office of the Attorney General: _____	Date: _____	☐	☐
☐	**Fund Management Plan, Expenditure Plans, Carry Over Requests, Budget Modifications**			
	1. Office of Management and Budget: _____	Date: _____	☐	☐
	2. Office of the Controller: _____	Date: _____	☐	☐
	3. Office of the Attorney General: _____	Date: _____	☐	☐
☐	**Navajo Housing Authority Request for Release of Funds**			
	1. NNEPA: _____	Date: _____	☐	☐
	2. Office of the Attorney General: _____	Date: _____	☐	☐
☐	**Lease Purchase Agreements**			
	1. Office of the Controller: _____ (recommendation only)	Date: _____	☐	☐
	2. Office of the Attorney General: _____	Date: _____	☐	☐
☐	**Grant Applications**			
	1. Office of Management and Budget: _____	Date: _____	☐	☐
	2. Office of the Controller: _____	Date: _____	☐	☐
	3. Office of the Attorney General: _____	Date: _____	☐	☐
☐	**Five Management Plan of the Local Governance Act, Delegation of an Approving Authority from a Standing Committee, Local Ordinances (Local Government Units), or Plans of Operation/Division Policies Requiring Committee Approval**			
	1. Division: _____	Date: _____	☐	☐
	2. Office of the Attorney General: _____	Date: _____	☐	☐
☐	**Relinquishment of Navajo Membership**			
	1. Land Department: _____	Date: _____	☐	☐
	2. Elections: _____	Date: _____	☐	☐
	3. Office of the Attorney General: _____	Date: _____	☐	☐

Pursuant to 2 N.N.C. § 164 and Executive Order Number 07-2013

☐ **Land Withdrawal or Relinquishment for Commercial Purposes**

			Sufficient	Insufficient
1. Division:		Date:	☐	☐
2. Office of the Attorney General:		Date:	☐	☐

☐ **Land Withdrawals for Non-Commercial Purposes, General Land Leases and Resource Leases**

1. NLD		Date:	☐	☐
2. F&W		Date:	☐	☐
3. HPD		Date:	☐	☐
4. Minerals		Date:	☐	☐
5. NNEPA		Date:	☐	☐
6. DNR		Date:	☐	☐
7. DOJ		Date:	☐	☐

☐ **Rights of Way**

1. NLD		Date:	☐	☐
2. F&W		Date:	☐	☐
3. HPD		Date:	☐	☐
4. Minerals		Date:	☐	☐
5. NNEPA		Date:	☐	☐
6. Office of the Attorney General:		Date:	☐	☐
7. OPVP		Date:	☐	☐

☐ **Oil and Gas Prospecting Permits, Drilling and Exploration Permits, Mining Permit, Mining Lease**

1. Minerals		Date:	☐	☐
2. OPVP		Date:	☐	☐
3. NLD		Date:	☐	☐

☐ **Assignment of Mineral Lease**

1. Minerals		Date:	☐	☐
2. DNR		Date:	☐	☐
3. DOJ		Date:	☐	☐

☒ **ROW (where there has been no delegation of authority to the Navajo Land Department to grant the Nation's consent to a ROW)**

1. NLD		Date:	☐	☐
2. F&W		Date:	☐	☐
3. HPD		Date:	☐	☐
4. Minerals		Date:	☐	☐
5. NNEPA		Date:	☐	☐
6. DNR		Date:	☐	☐
7. DOJ (i.c.)	VBlackhorse	Date: 5/25/18	~~☒~~	☐
8. OPVP	[illegible]	Date: 6-6-18	☒	☐

☐ **OTHER:**

1.		Date:	☐	☐
2.		Date:	☐	☐
3.		Date:	☐	☐
4.		Date:	☐	☐
5.		Date:	☐	☐

NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM

☐ RESUBMITTAL

RECEIVED
MAY 17 2018
DEPARTMENT OF JUSTICE
RECEPTIONIST DESK

DOJ
5/17/18 407pm
DATE / TIME
☐ 7 Day Deadline
DOC #: 010040
SAS #:
UNIT: NRu

*** FOR NNDOJ USE ONLY - DO NOT CHANGE OR REVISE FORM. VARIATIONS OF THIS FORM WILL NOT BE ACCEPTED. ***

CLIENT TO COMPLETE			
DATE OF REQUEST:	5/17/2018	DIVISION:	Division Natural Resources
CONTACT NAME:	Michelle Hoskie or Stevie Hudson	DEPARTMENT:	General Land Development Department
PHONE NUMBER:	871-6447 or 871-6423	E-MAIL:	michellehoskie@frontier.com
TITLE OF DOCUMENT:	CDEC ROW MARIANO LAKE CHAPTER - ROCKY CANYON PROJECT WO#47574		

DOJ SECRETARY TO COMPLETE			
DATE/TIME IN UNIT:	5.17.18 4:09p	REVIEWING ATTORNEY/ADVOCATE:	Jamie Chee 5.29.18
DATE TIME OUT OF UNIT:	5/25/18 2:30		

DOJ ATTORNEY / ADVOCATE COMMENTS

- Document is legally sufficient.

REVIEWED BY: (*Print*)	Date / Time	SURNAMED BY: (*Print*)	Date / Time
Jamie Chee Emailed	5/24/18	VBlackhat	5/25/18 9:10 AM

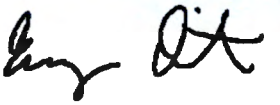
DOJ Secretary ~~Called~~: Michelle H., Stevie H for Document Pick Up on 5/25/18 at 2:30 By: CJ

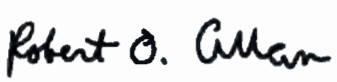
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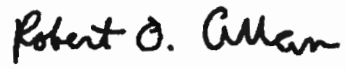
NNDOJ/DRRF-July 2013

RECEIVED
MAY 2 2018

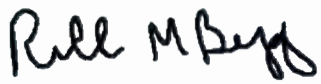
Tier 1 Document Voting Results

User Name (Facility)	Job Title	Department	Vote Cast	Comments	Replies	Vote Date	Signature
Eugenia Quintana EPA (Navajo Land Title Data System - Windowrock AZ)	Air and Toxics - Reviewer	Navajo Nation Environmental Protection Agency	Approved	1. Sufficient documentation.	1. *No Reply*	24-Apr-2018	
Lee Anna Martinez EPA (Navajo Land Title Data System - Windowrock AZ)	Water Quality - Reviewer	Navajo Nation Environmental Protection Agency	Approved	1. *Conditional* There are numerous intersects with the Rio Puerco and its tributaries. Please consult with our office NNEPA Water Quality, concerning these areas. (928) 871-7690, Thank you.	1. *No Reply*	17-Apr-2018	
Najamh Tariq (Navajo Land Title Data System - Windowrock AZ)	Approver	Department of Water Resources	Approved	*no comments*	*No Reply*	11-Apr-2018	
Pam Kyselka F&W (Navajo Land Title Data System - Windowrock AZ)	Technical Review	Fish and Wildlife	Approved	1. #17danl101rcr	1. *No Reply*	11-Apr-2018	
Pam Maples EPA (Navajo Land Title Data System - Windowrock AZ)	Storage Tanks Program - Reviewer	Navajo Nation Environmental Protection Agency	Approved	*no comments*	*No Reply*	09-Apr-2018	
Patrick Antonio EPA (Navajo Land Title Data System - Windowrock AZ)	Water Quality - Supervisor	Navajo Nation Environmental Protection Agency	Approved	1. Unclear if clearing of vegetation for the utility posts will accumulatively disturb more than 1.0 acre. If so, coverage is required under the federal Construction General Permit for storm water discharges from construction sites.	1. *No Reply*	09-Apr-2018	

Robert Allan DNR (Navajo Land Title Data System - Windowrock AZ)	Deputy Director DNR	DNR Administration	Approved	*no comments*	*No Reply*	13-Apr-2018	
Tamara Billie NNHP (Navajo Land Title Data System - Windowrock AZ)	HPD Reviewer	Historic Preservation Department	Approved	1. HPD-17-878. Follow site conditions for NM-Q-27-54.	1. *No Reply*	11-Apr-2018	
Yolanda Barney EPA (Navajo Land Title Data System - Windowrock AZ)	Public Water System Supervision Program	Navajo Nation Environmental Protection Agency	Approved	*no comments*	*No Reply*	09-Apr-2018	

Robert Allan DNR (Navajo Land Title Data System - Windowrock AZ)	Deputy Director DNR	DNR Administration	Approved	*no comments*	*No Reply*	13-Apr-2018	
Tamara Billie NNHP (Navajo Land Title Data System - Windowrock AZ)	HPD Reviewer	Historic Preservation Department	Approved	1. HPD-17-878. Follow site conditions for NM-Q-27-54.	1. *No Reply*	11-Apr-2018	
Yolanda Barney EPA (Navajo Land Title Data System - Windowrock AZ)	Public Water System Supervision Program	Navajo Nation Environmental Protection Agency	Approved	*no comments*	*No Reply*	09-Apr-2018	

Tier 2 Document Voting Results

User Name (Facility)	Job Title	Department	Vote Cast	Comments	Replies	Vote Date	Signature
Bidtah N. Becker (FBFA)	FBFA Users	FBFA Action Team	Approved	*no comments*	*No Reply*	15-May-2018	
Richard Begay NNHP (Navajo Land Title Data System - Windowrock AZ)	Navajo Nation Historic Preservation Officer	Historic Preservation Department	Approved	*no comments*	*No Reply*	24-Apr-2018	
Ronnie Ben EPA (Navajo Land Title Data System - Windowrock AZ)	Underground Injection Control - Reviewer	Navajo Nation Environmental Protection Agency	Approved	1. Conditional Approval contingent on compliance with all NNEPA and USEPA environmental laws.	1. *No Reply*	30-Apr-2018	
Sam Diswood (Navajo Land Title Data System - Windowrock AZ)	Technical Review	Fish and Wildlife	Approved	*no comments*	*No Reply*	24-Apr-2018	
Steven Prince MIN (Navajo Land Title Data System - Windowrock AZ)	Technical Reviewer	Navajo Nation Minerals Management	Approved	1. This vote contingent on permanent inclusion in the approval package of the uploaded Terms & Conditions document. slp	1. *No Reply*	25-Apr-2018	
W. Mike Halona (Navajo Land Title Data System - Windowrock AZ)	Manager III Navajo Land Department	NLD Administration	Approved	*no comments*	*No Reply*	24-Apr-2018	

RESOURCES AND DEVELOPMENT COMIMTTEE
Regular Meeting
Smith Lake Chapter, Smith Lake NM
June 27, 2018

ROLL CALL
VOTE TALLY SHEET:

Legislation # 0200-18: An Action Relating to Resources and Development Committee; Approving the Grant of Right-of-Way to Continental Divide Electric Cooperative, Inc. for Mariano Lake Chapter – Rocky Canyon Project WO # 47574, Located on Navajo Nation Trust Lands in Mariano Lake Chapter, Navajo Nation (McKinley County, New Mexico); Approving a Waiver of Consideration of $194,429.95; and Approving a Waiver of Bond, Insurance, or Alternative Form of Security
Sponsor: Honorable Edmund Yazzie

MAIN MOTION: Leonard Pete S: Jonathan Perry V: 5-0-1 (CNV)
ROLL CALL VOTE TALLY:
YEAS: Alton Joe Shepherd, Walter Phelps, Leonard Pete, Davis Filfred and Jonathan Perry
NAYS:

Benjamin Bennett, Vice-Chairperson
Resources and Development Committee

Shammie Begay, Legislative Advisor
Resources and Development Committee